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No. 32] NEW DELHI, AUGUST 6—AUGUST 12, 2006, SATURDAY/SHRAVANA 15—SHRAVANA 21, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पुस्तक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 1 अगस्त, 2006

का.आ. 3082.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उप-खण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, श्री ए.सी. महाजन, (जन्मतिथि: 05-07-1950), कार्यपालक निदेशक, बैंक ऑफ बड़ौदा को उनके पदभार ग्रहण करने की तारीख से और 31-07-2010, तथा उनकी अधिवर्षिता की तारीख, तक अथवा अगले आदेश होने तक, जो भी पहले हो, इलाहाबाद बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/37/2005-बीओ-1]

जी. बी. सिंह, उप सचिव

MINISTRY OF FINANCE
(Department of Economic Affairs)
(BANKING DIVISION)

New Delhi, the 1st August, 2006

S.O. 3082.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri A. C. Mahajan (DoB: 05-07-1950) presently Executive Director, Bank of Baroda, as Chairman and Managing Director, Allahabad Bank from the date of his taking charge of the post and upto 31-07-2010, i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 9/37/2005-BO-1]

G. B. SINGH, Dy-Secy.

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 28 जुलाई, 2006

का. आ. 3083.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उप-नियम (2) के साथ पठित, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स राईट्स लिमिटेड, न्यू ए डिबिजन, सेंट्रल स्टेशन बिल्डिंग, 56, सी आर एवेन्यू, कोलकाता-700012, को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, वाणिज्य मंत्रालय में, भारत सरकार की अधिसूचनाएं सं. का.आ. 3975 और का.आ. 3978 तारीख 20 दिसम्बर, 1965 के साथ उपाबद्ध अनुसूची में यथा विनिर्दिष्ट क्रमशः खनिज और अयस्क-ग्रुप-I अर्थात् लौह अयस्क, मैंगनीज अयस्क, फेरो मैंगनीज स्लेग सहित फेरो मैंगनीज केलसीड बोक्साइट सहित बोक्साइट और खनिज और अयस्क ग्रुप-II अर्थात् क्रोम सांद्र सहित क्रोम अयस्क और रेड आक्साइड के निर्यात से पूर्व निरीक्षण के लिए निम्नलिखित शर्तों के अधीन कोलकाता में उक्त खनिजों एवं अयस्कों का निरीक्षण करने के लिए एक अधिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :—

- (i) मैसर्स राईट्स लिमिटेड, कोलकाता, खनिज तथा अयस्क समूह-I का निर्यात (निरीक्षण) नियम, 1965 और खनिज तथा अयस्क समूह-II (निरीक्षण) नियम, 1965, के नियम 4 के अधीन निरीक्षण का प्रमाण-पत्र देने के लिए उनके द्वारा अपनाई गई पद्धति की जांच करने के लिए, इस निमित्त निर्यात निरीक्षण परिषद् द्वारा नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगी;
- (ii) कि मैसर्स राईट्स लिमिटेड, कोलकाता इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण), निर्यात निरीक्षण परिषद् द्वारा समय-समय पर लिखित में दिए जा सकने वाले निदेशों से आबद्ध होंगे।

[फा. सं. 5/1/2006/ईआई एंड ईपी]

राज सिंह, निदेशक

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 28th July, 2006

S. O. 3083.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control

and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. Rites Limited, QA Division, Central Station Building, 56, C. R. Avenue, Kolkata-700012, as an agency for a period of three years with effect from the date of publication of this notification, for inspection of Minerals and Ores-Group-I, namely, Iron Ore, Manganese Ore, Ferromanganese including Ferromanganese slag, Bauxite including calcined Bauxite, and Minerals and Ores-Group-II, namely, Chrome Ore including Chrome concentrates and Red Oxide, as specified in the Schedules annexed to the notifications of the Government of India in the Ministry of Commerce Numbers S. O. 3975 and S. O. 3978 respectively dated the 20th December, 1965, prior to the export of the said Minerals and Ores, at Kolkata, subject to the following conditions, namely :—

- (i) that M/s. Rites Limited, Kolkata shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores-Group-I (Inspection) Rules, 1965 and the Export of Minerals and Ores-Group-II (Inspection) Rules, 1965;
- (ii) that M/s. Rites Limited, Kolkata in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 5/1/2006/EI & EP]

RAJ SINGH, Director

विदेश मंत्रालय

(सी.पी.बी. डिबिजन)

नई दिल्ली, 27 जुलाई, 2006

का. आ. 3084.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौंसलावास, मिलान में श्री बी. एन. शाह, सहायक को 27-07-2006

से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/01/2006]

एस. एन. वी. रामन्ना राव, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. DIVISION)

New Delhi, the 27th July, 2006

S. O. 3084.—In pursuance of clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri B. N. Saha, Assistant in the Consulate General of India, Milan to perform the duties of Assistant Consular Officer with effect from 27-07-2006.

[No. T-4330/01/2006]

S. N. V. RAMANNA RAO, Under Secy. (Cons.)

कृषि एवं ग्रामीण उद्योग मंत्रालय

नई दिल्ली, 1 अगस्त, 2006

का. आ. 3085.—केन्द्रीय सरकार, राजभाषा नियम, 1976 के (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 10 के उप-नियम (4) के अनुसरण में, कृषि एवं ग्रामीण उद्योग मंत्रालय के नियंत्रणाधीन खादी एवं ग्रामोद्योग आयुक्त कार्यालय, मुम्बई के निम्नलिखित कार्यालय में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80 प्रतिशत से अधिक हो जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करती है :-

राज्य-कार्यालय, खादी और ग्रामोद्योग आयुक्त, तिरुवनन्तपुरम

[सं. ई-12016/1/2005-हिन्दी]

प्रवीर कुमार, संयुक्त सचिव

MINISTRY OF AGRO AND RURAL INDUSTRIES

New Delhi, the 1st August, 2006

S. O. 3085.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Office of the Commissioner for Khadi and Village Industries, Mumbai under control of the Ministry of ARI where the percentage of Hindi knowing staff has gone above 80%.

State office, Office of the Commissioner for Khadi and Village Industries, Thiruvananthapuram.

[No. E-12016/01/2005-Hindi]

PRAVIR KUMAR, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

नई दिल्ली, 31 जुलाई, 2006

का. आ. 3086.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन भारतीय खाद्य निगम के निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :-

- | | |
|---|--|
| 1. भारतीय खाद्य निगम,
जिला कार्यालय,
बालेश्वर
(उड़ीसा) | 2. भारतीय खाद्य निगम,
जिला कार्यालय,
ब्रह्मपुर (गंजाम)
(उड़ीसा) |
|---|--|

[सं. ई-11011/1/2001-हिन्दी]

अनीता चौधरी, संयुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

New Delhi, the 31st July, 2006

S. O. 3086.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following offices of Food Corporation of India under the administrative control of the Ministry of Consumer Affairs, Food and Public Distribution (Deptt. of Food and Public Distribution), where of more than 80 % of staff have acquired the working knowledge of Hindi:

1. Food Corporation of India,
District Office,
Baleshwar
(Orissa)
2. Food Corporation of India,
District Office,
Brahmpur (Ganjaru)
(Orissa)

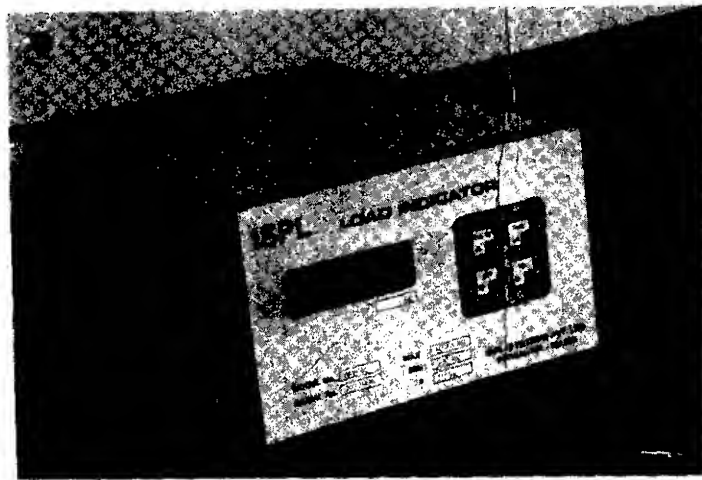
[No. E-11011/1/2001-Hindi]

ANITA CHAUDHARY, Jt. Secy.

नई दिल्ली, 30 जून, 2006

का. आ. 3087.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आई एस पी एल सिस्टम प्राइवेट लिमिटेड, नं. 460 बी, फेज IV, पीन्या इंडस्ट्रियल एरिया, बंगलौर-560058 कर्नाटक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'आई डब्ल्यू बी' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'आई एस पी एल' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/191 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

इंस्टॉलिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

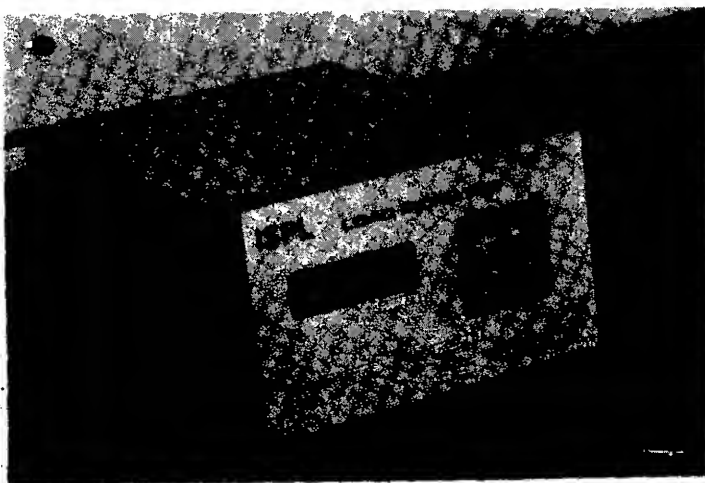
[फा. सं. डब्ल्यू एम-21(45)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3087.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-Automatic weighing instrument (Weighbridge type) with digital indication of "IWB" series of medium accuracy (Accuracy class III) and with brand name "ISPL" (hereinafter referred to as the said model), manufactured by M/s. ISPL Systems Pvt. Ltd., No. 460B, IV Phase, Peenya Industrial Area, Bangalore-560 058, Karnataka and which is assigned the approval mark IND/09/06/191;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 40 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k is positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

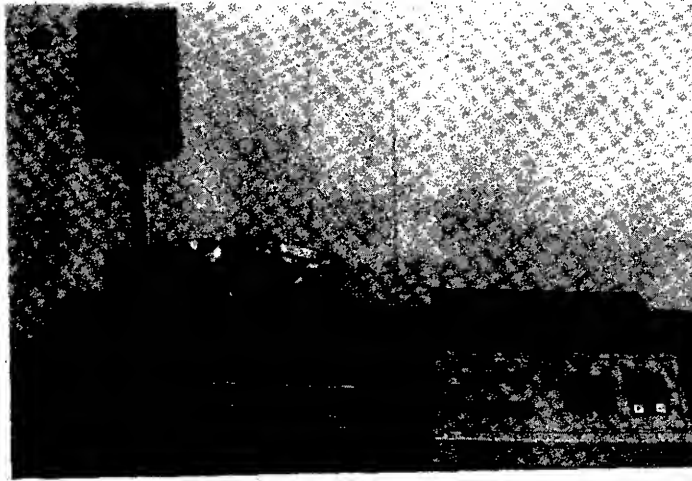
[F.No. WM-21(45)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3088.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आई एस पी एल सिस्टम प्राइवेट लिमिटेड, नं. 460 बी, फेज IV, पीन्या इंडस्ट्रियल एरिया, बंगलौर-560058 कर्नाटक द्वारा विनिर्मित यथार्थता वर्ग 0.5 वाले 'आई बी एस' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण ड्रासकॉटिन्यूअस टोटलाइजिंग के मॉडल का, जिसके ब्रांड का नाम 'आई एस पी एल' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/L92 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ड्रासकॉटिन्यूअस टोटलाइजिंग तोलन उपकरण है। इसकी अधिकतम क्षमता 15 कि. ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकित के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

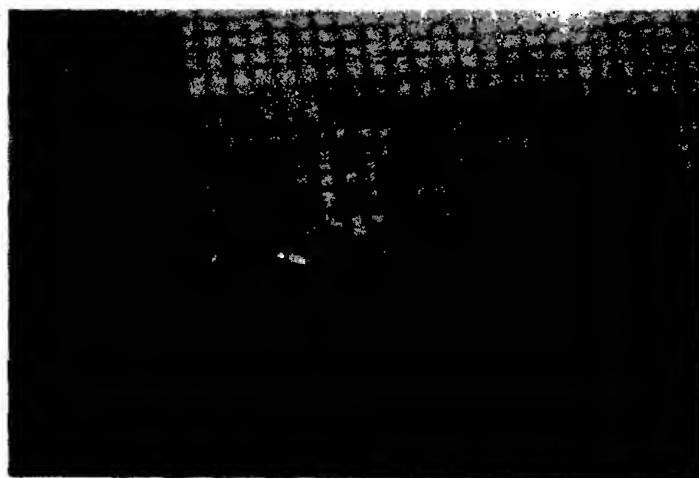
[फा. सं. डब्ल्यू.एम-3/(45)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3088.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Discontinuous Totalizing automatic weighing instruments with digital indication of "IBS" series of accuracy class 0.5 and with brand name "ISPL" (hereinafter referred to as the said model), manufactured by M/s. ISPL Systems Pvt. Ltd., No. 460B, IV Phase, Peenya Industrial Area, Bangalore-560 058, Karnataka and which is assigned the approval mark IND/09/2006/192;



The said Model is a strain gauge type load cell based Discontinuous Totalizing automatic weighing instrument with a maximum capacity of 15 kg. and minimum capacity of 2.5 kg. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg and with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 gm. and 100 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero. Manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved Model has been manufactured.

[F. No. WM-21(45)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3089.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का-60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल सार्थकता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एक्सपो वेइंग स्केल्स, सं. 56, अन्ने शिवाकामी अम्मल स्ट्रीट, अशोक नगर, अरावकोनम, तमिलनाडु-631001 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'ई एक्स पी-10' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'एक्सपो' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/331 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोडसेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक के रेंज में सत्यापन मापमान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(95)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3089.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "EXP-10" series of high accuracy (Accuracy class II) and with brand name "EXPO" (hereinafter referred to as the said model), manufactured by M/s. Expo Weighing Scales, No. 56, Annai Sivakami Ammal Street, Ashok Nagar, Arakkonam, Tamil Nadu-631001 and which is assigned the approval mark IND/09/06/331;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , where k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

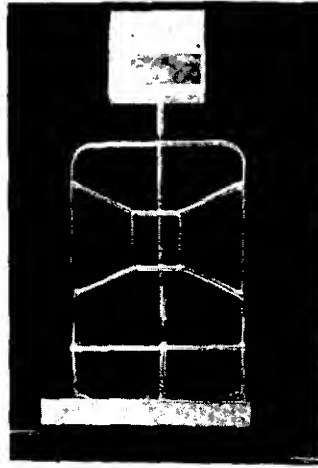
[F. No. WM-21(95)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3090.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एक्सपो वेइंग स्कैल्स, सं. 56, अन्नै शिवाकामी अम्मल स्ट्रीट, अशोक नगर, अराक्कोनम, तमिलनाडु-631001 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'ई एक्स पी-15' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'एक्सपो' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/332 संमनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टायिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 2000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(95)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

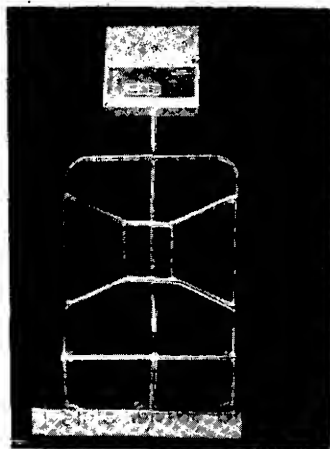
New Delhi, the 30th June, 2006

S.O. 3090.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-Automatic weighing instrument (Platform type) with digital indication of "EXP-15" series of medium accuracy (Accuracy class III) and with brand name "EXPO" (herein referred to as the said model), manufactured by M/s. Expo Weighing Scales, No. 56, Annai Sivakami Ammal Street, Ashok Nagar, Arakkonam, Tamil Nadu-63 1001 and which is assigned the approval mark IND/09/06/332.

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 500 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.



Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 50 kg. and upto 2000 kg with the number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of the form 1×10^k , 2×10^k or 5×10^k , where k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved Model has been manufactured.

[F. No. WM-21(95)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का.आ. 3091.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स युनाइटेड स्केल एजेंसी, पटेलवाड़ी के निकट, शिवाजी नगर, सावरकुंडला-364515 गुजरात द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'यू एस सी-20' श्रृंखला के अंकक मूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'युनाइटेड' है (जिसमें इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/172 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

UNITED



UNITED SCALE AGENCY
SAVARKUNDLA-364515(Guj.)

उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को विक्री पूर्व अथवा बिक्री पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 5000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(40)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3091.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy Class-II) of series "UST-20" and with brand name "UNITED" (hereinafter referred to as the said model), manufactured by M/s. United Scale Agency, Near Patelwadi, Shivaji Nagar, Savarkundla-364515, Gujarat and which is assigned the approval mark IND/09/06/172;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

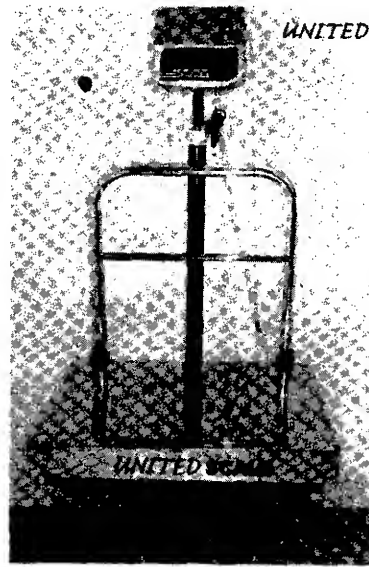
[F. No. WM-21(40)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का.आ. 3092.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स यूनाइटेड स्केल एजेंसी, पटेलवाडी के निकट, शिवाजी नगर, सावरकुंडला-364515 गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'यू एस पी-500' श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'यूनाइटेड' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/173 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को बिक्री पूर्व अथवा बिक्री पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. से 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(40)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3092.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class III) of series "USP-500" and with brand name "UNITED" (hereinafter referred to as the said model), manufactured by M/s. United Scale Agency, Near Patelwadi, Shivaji Nagar, Savarkundla-364515, Gujarat and which is assigned the approval mark IND/09/06/173;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 50 kg. and upto 1000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(40)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का.आ. 3093.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस आर पैकेजिंग सिस्टम, पदमिनी काम्पलैक्स, ब्लॉक नं. 1, 9-382/3, इंडस्ट्रियल एस्टेट, कुशाएगुडा, हैदराबाद-500062 आंध्र प्रदेश द्वारा निर्मित यथार्थता वर्ग आर ई एफ (एक्स) से संबंधित है, जहां एक्स=1 वाले 'एस आर डब्ल्यू-415' शृंखला के अंकक सूचन सहित स्वचालित ग्रेविमेट्रिक फिलिंग मशीन (वे फिलर) के मॉडल का जिसके ब्रांड का नाम 'सरीराम पैक' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/329 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक स्वाचालित ग्रेविमेट्रिक फिलिंग मशीन (वे फिलर) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है। इसकी अधिकतम भराव दर 30 भराव प्रति मिनट है। मशीन की रूप रेखा ठोस फ्री फ्लोइंग सामग्री जैसे बीजों, अनाजों, दालों, चावल, गेहूं आदि के भराव के लिए तैयार की गई है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य का सिद्धांत आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी रेंज 50 ग्रा. से 30 कि.ग्रा. तक है।

[फा. सं. डब्ल्यू एम-21(99)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3093.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Instrument (Weigh filler) belonging to accuracy class Ref(x), where x=1 of 'SRW-415' series with brand name "SRIRAM PACK" (herein referred to as the said Model), manufactured by M/s. S. R. Packaging Systems, Padmini Complex, Block No. 1, 9-382/3, Industrial Estate, Kusaiguda, Hyderabad-500 062, Andhra Pradesh and which is assigned the approval mark IND/09/06/329;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Weigh filler). Its maximum capacity is 30kg. Its maximum fill rate is 30 fills per minute. The machine is designed for filling the free flowing solid material like seeds, grains, pulses, rice, wheat etc. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.



Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 50g. to 30kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(99)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

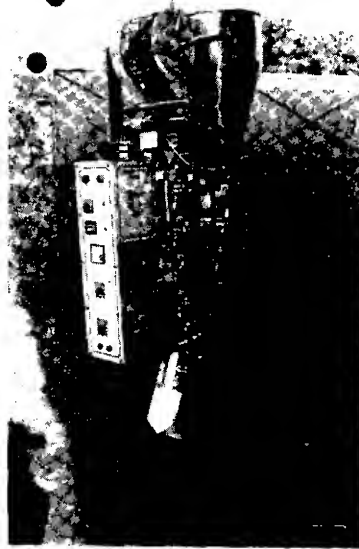
नई दिल्ली, 30 जून, 2006

का. आ. 3094.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस.आर. पैकेंजिंग सिस्टम, पदमिनी काम्पलैक्स, ब्लॉक नं. 1, 9-382/3, इंडस्ट्रियल एस्टेट, कुशाएगुडा, हैदराबाद-500062, आंध्र प्रदेश द्वारा निर्मित यथार्थता वर्ग आर ई एफ (एक्स) से संबंधित है, जहां एक्स=1 वाले 'एस आर एम पी-36' शृंखला के अंकक सूचन सहित, स्वचालित ग्रेविमेट्रिक फिलिंग मशीन (कप फिलर) के मॉडल का जिसके ब्रांड का नाम 'सरीराम पैक' है (जिसमें इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिस अनुमोदन चिह्न आई एन डी/09/06/330 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक स्वचालित ग्रेविमेट्रिक फिलिंग मशीन (कप फिलर) है। इसकी अधिकतम क्षमता 2 कि.ग्रा. या उसके समान आयत है। इसकी अधिकतम भराव दर 10 से 50 भराव प्रति मिनट है। मशीन की रूप रेखा ठोस फ्री फ्लोइंग सामग्री जैसे चाय, चीनी, नमक, सूजी, डिटरजेंट, बीजों, अनाजों, दालों, चावल, गेहू आदि के भराव के लिए तैयार की गई है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लॉट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को विक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, मार्केट डायग्राम, कार्य का सिद्धांत आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।



और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी रेंज 2 ग्रा. से 2 कि.ग्रा. तक है।

[फा. सं. डब्ल्यू.एम.-21(99)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3094.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Instrument (Cup filler) belonging to accuracy class, Ref(x), where $x=1$ of 'SRMP-36' series with brand name "SRIRAM PACK" (herein referred to as the said Model), manufactured by M/s. S. R. Packaging Systems, Padmini Complex, Block No. 1, 9-382/3, Industrial Estate, Kushaiguda, Hyderabad-500 062, Andhra Pradesh and which is assigned the approval mark IND/09/06/330;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Cup filler). Its maximum capacity is 2kg or equivalent volume. Its maximum fill rate is 10 to 50 fills per minute. The machine is designed for filling the free flowing solid material like tea, sugar, salt, suji, detergents, seeds, grains, pulses, rice, wheat etc. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.



Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 2g. to 2kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

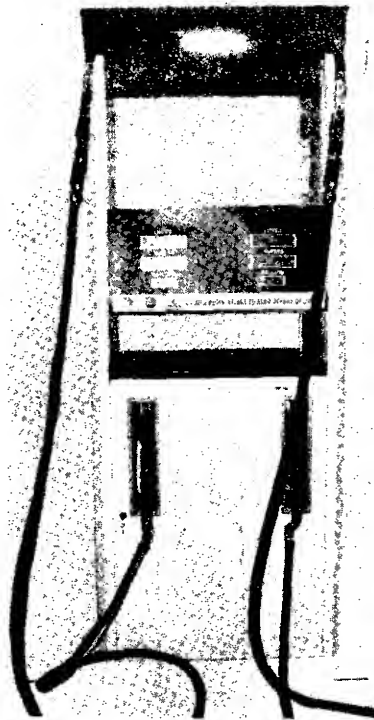
[F. No. WM-21(99)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3095.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अंकन्यम कंपन प्राइवट लिमिटेड, पी-174, गांव-खाएराने, टी टी सी इंडस्ट्रियल एरिया, नवी मुंबई-400709 द्वारा विनिर्मित प्री मिक्स (डबल माप) शुद्धता के अंकन सूचन सहित डिस्पेंसिंग पम्प के मॉडल का जिसके ब्रांड का नाम 'स्प्रिट' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/344 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक इलेक्ट्रॉनिक समायोजन के साथ इलेक्ट्रॉनिक डिस्पेंसिंग पम्प है। इसमें पेट्रोलियम उत्पादों को मापने के लिए लिनियर मोशन को रोटरी मोशन में कन्वर्ट करने के लिए 4 पिस्टन लगे हैं। पम्प में आयतन या मूल्य, इलेक्ट्रॉनिक कैलिब्रेशन, इलेक्ट्रॉनिक मैकेनिकल टाइलाइजर द्वारा प्रीसेट के लिए विशिष्टता है। इसका अधिकतम प्रवाह दर 80 लीटर प्रति मिनट है। इसकी अधिकतम आयतन प्रदर्श क्षमता 9999.99 लीटर है और न्यूनतम प्रभाग 10 मि.लि. है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है।

म्ट्रापिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को चिकी से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

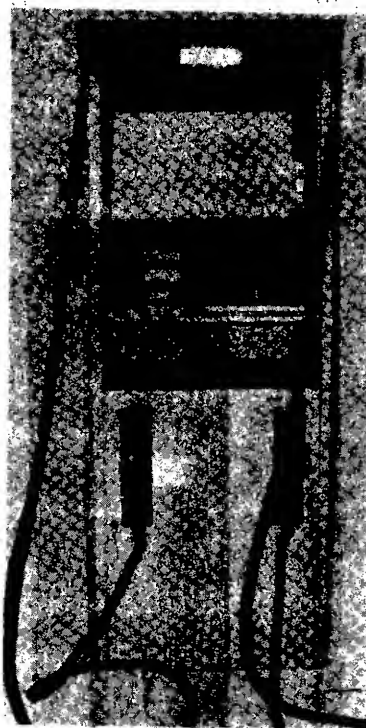
[फा. सं. डब्ल्यू एम-21(181)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3095.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of Dispensing Pump of digital indication with brand name "SPRIT" of "Pre-Mix (Double Nozzle)" series (hereinafter referred to as the said model), manufactured by M/s. Tokheim Kaizen Pvt. Ltd., A-174, Village Khairane, TTC Industrial Area, Navi Mumbai-400 709, Maharashtra and which is assigned the approval mark IND/09/06/344;



The said model is an Electronic Dispensing Pump with electronic adjustment. It has four pistons converting linear motion in to rotary motion to measure the petroleum products. The pump has features for preset by volume or price, electronic calibration, electromechanical totalizer, having maximum flow rate 80 litre per minute. Its maximum volume indicating capacity is 9999.99 litres and smallest division is 10ml. The indications of the measurements are displayed on liquid crystal diode (LCD) Display.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc before or after sale.

[F. No. WM-21(181)/2005]

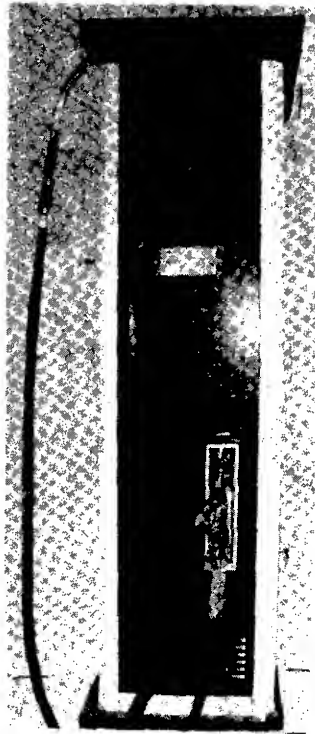
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3096.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टोकह्येम केयजेन प्राइवेट लिमिटेड, पी-174, गांव-खाएराने, टी टी सी इंडस्ट्रियल एरिया, नवी मुंबई-400709 द्वारा विनिर्मित प्री मिक्स (सिंगल नोजल) श्रृंखला के अंकक सूचन सहित डिस्पेंसिंग पम्प के मॉडल का जिसके ब्रांड का नाम "स्प्रीट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/343 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक इलेक्ट्रॉनिक समायोजन के साथ इलेक्ट्रॉनिक डिस्पेंसिंग पम्प है। इसमें पेट्रोलियम उत्पादों को मापने के लिए लिनियर मोशन को रोटरी मोशन में कन्वर्ट करने के लिए 4 पिस्टन लगे हैं। पम्प में आयतन या मूल्य, इलेक्ट्रॉनिक कैलिब्रेशन, इलेक्ट्रोमैकेनिकल टोटलाइजर द्वारा प्रीसेट के लिए विशिष्टता है। इसका अधिकतम प्रवाह दर 80 लीटर प्रति मिनट है। इसकी अधिकतम आयतन प्रदर्श क्षमता 9999.99 लीटर है और न्यूनतम प्रभाग 10 मि.लि. है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

[फा. सं. डब्ल्यू एम-21(181)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3096.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of Dispensing Pump of digital indication with brand name "SPRIT" of "Pre-Mix (single Nozzle)" series (hereinafter referred to as the said model), manufactured by M/s. Tökhheim Kaizen Pvt. Ltd., A-174, Village Khairane, TTC Industrial Area, Navi Mumbai-400 709, Maharashtra and which is assigned the approval mark IND/09/06/343;

The said model is an Electronic Dispensing Pump with electronic adjustment. It has four pistons converting linear motion in to rotary motion to measure the petroleum products. The pump has features for preset by volume or price, electronic calibration, electromechanical totalizer, having maximum flow rate 80 litre per minute. Its maximum volume indicating capacity is 9999.99 litres and smallest division is 10ml. The indications of the measurements are displayed on liquid crystal diode (LCD) Display.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

[F. No. WM-21(181)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3097.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ला बेल मशीनरी प्रा. लि., प्लॉट नं. जी-51, एम आई डी सी एरिया, अंबद, नासिक-422010 महाराष्ट्र द्वारा विनिर्मित यथार्थता वर्ग, रेफ (एक्स) जहां एक्स=1 है, वाले "जी बी एफ" शृंखला के स्वचालित ग्रेविमीट्रिक फिलिंग उपकरण (वे फिलर) के मॉडल का, जिसके ब्राण्ड का नाम "ला बेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/347 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित स्वचालित ग्रेविमीट्रिक फिलिंग उपकरण (वे फिलर प्रकार) है। इसकी अधिकतम क्षमता 100 कि.ग्रा. है और इसकी अधिकतम भरण दर 10 भरण प्रति मिनट है। मशीन को फ्री फ्लोविंग सोलिड सामग्री जैसे बीज, ग्रेन्स, दालों, चावल, गेहूं आदि को भरने के लिए डिजाइन किया गया है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल का इसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित 5 किलोग्राम से 100 किलोग्राम की रेंज की क्षमता के साथ उसी शृंखला के वैसे ही मक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे।

[फा. सं. डब्ल्यू एम-21(32)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3097.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of Automatic Gravimetric Filling Instrument (Weigh filler) belonging to accuracy class, Ref(x), where x=1 of 'GBF' series with brand name "LA-BELLE" (herein referred to as the said Model), manufactured by M/s. La-Belle Machinery Pvt. Ltd, Plot No. G-51, MIDC Area, Ambad, Nashik-422 010, Maharashtra and which is assigned the approval mark IND/09/06/347;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Weigh filler). Its maximum capacity is 100kg. Its maximum fill rate is 10 fills per minute. The machine is designed for filling the free flowing solid material like seeds, grains, pulses, rice, wheat etc. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 5kg. to 100kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(32)/2006]

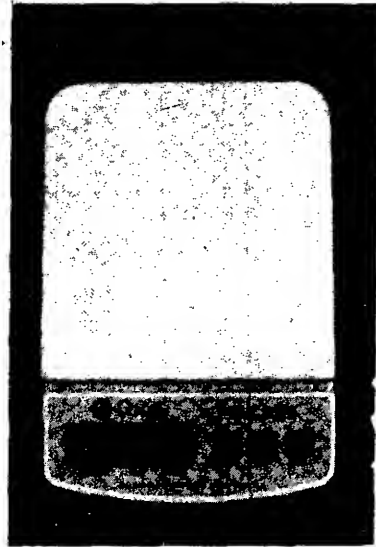
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3098.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स ई.जी. कान्तावाला प्राइवेट लिमिटेड, सर्वे नं. 28/1, दोमोदर नगर, ओल्ड नगर, मुधावा रोड, खरादी, पुणे-411014, महाराष्ट्र द्वारा विनिर्मित मध्यम (यथार्थता वर्ग III) वाले "मिनी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "ईगल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/313 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 3 किलोग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्राम से 2 ग्राम तक 'ई' मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

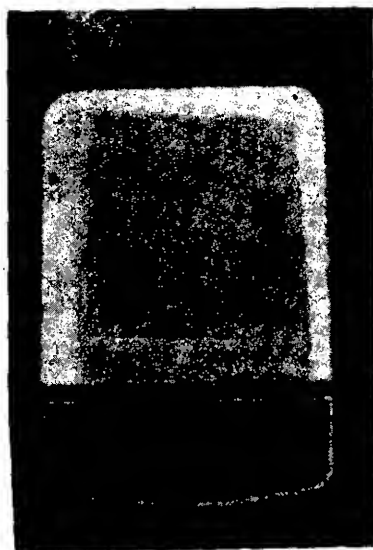
[फा. सं. डब्ल्यू एम-21(65)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3098.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "MINI" and with brand name "EAGLE" (hereinafter referred to as the said model), manufactured by M/s. E. G. Kantawala Pvt. Ltd., Survey No. 28/1, Damodar Nagar, Old Nagar, Mundhawa Road, Kharadi, Pune-411 014, Maharashtra and which is assigned the approval mark IND/09/06/313;



The said model is a strain gauge type load cell-based non-automatic weighing instrument (Table top type) with a maximum capacity of 3 kg. and minimum capacity of 20 g. The verification scale interval (e) is 1 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(65)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3099.-केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ई. जी. कान्तावाला प्राइवेट लिमिटेड, सर्वे नं. 28/1, दामोदर नगर, ओल्ड नगर, मुंधावा रोड, खरादी, पुणे-411014, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "पी के टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "ईगल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/314 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 120 ग्राम और न्यूनतम क्षमता 2 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को इसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन अंतराल (एन) और 5 ग्राम या उससे अधिक 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(65)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3099.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-Automatic weighing instrument and digital indication of medium accuracy (Accuracy class III) of series "PKT" and with brand name "EAGLE" (hereinafter referred to as the said model), manufactured by M/s. E.G. Kantawala Pvt. Ltd., Survey No 28/I, Damodar Nagar, Old Nagar, Mundhawa Road, Kharadi, Pune-411014, Maharashtra and which is assigned the approval mark IND/09/2006/314;



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 120g and minimum capacity of 2g. The verification scale interval (e) is 100mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply or with battery power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sales.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

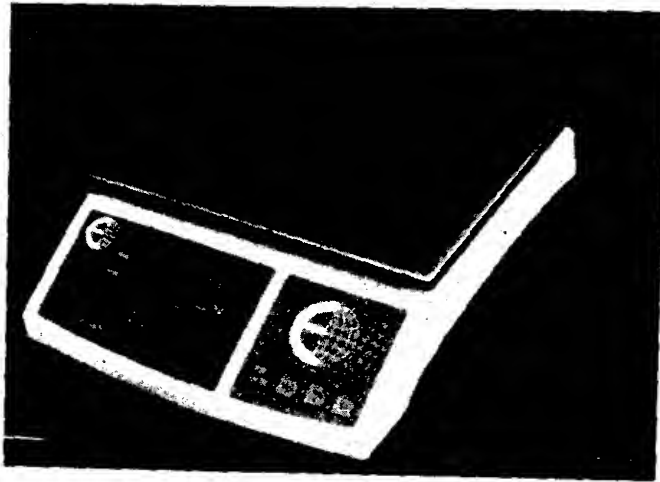
[F. No. WM-21(65)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3100.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ई. जी. कान्तावाला प्राइवेट लिमिटेड, सर्वे नं. 28/1, दामोदर नगर, ओल्ड नगर, मुंधावा रोड, खरादी, पुणे-411014, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "डी एल एक्स-II" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "ईगल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/315 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 7500 ग्राम और न्यूनतम क्षमता 25 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 0.5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्राम तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अन्तराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

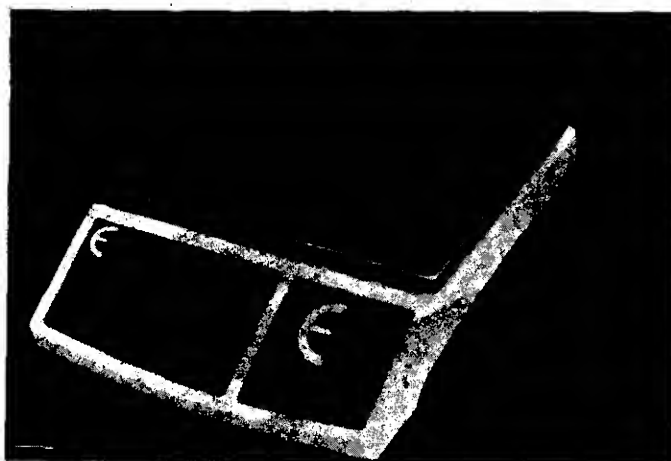
[फा. सं. डब्ल्यू एम-21(65)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3100.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class II) of series "DLX-II" and with brand name "EAGLE" (hereinafter referred to as the said model), manufactured by M/s. E.G. Kantawala Pvt. Ltd., Survey No. 28/1, Damodar Nagar, Old Nagar, Mundhawa Road, Kharadi, Pune-411014, Maharashtra and which is assigned the approval mark IND/09/2006/315;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 7500g and minimum capacity of 25g. The verification scale interval (e) is 0.5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sales.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

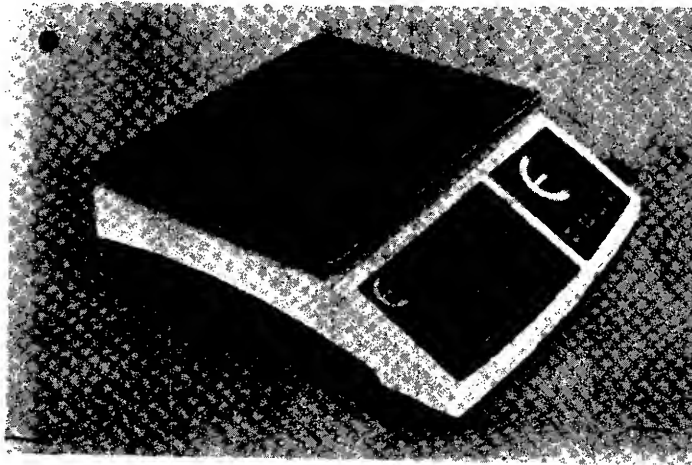
[F. No. WM-21(65)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3101.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अंतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ई. जी. कान्तावाला प्राइवेट लिमिटेड, सर्वे नं. 28/1, दामोदर नगर, ओल्ड नगर, मुंधावा रोड, खरादी, पुणे-411014, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "डी एल एक्स-III" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ईगल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/316 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 7.5 किलोग्राम और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

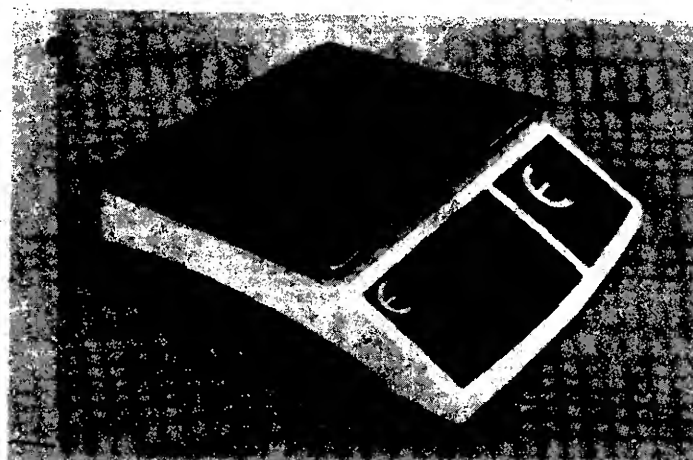
[फा. सं. डब्ल्यू एम-21(65)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3101.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) and digital indication of medium accuracy (Accuracy class III) of series "DLX-III" and with brand name "EAGLE" (hereinafter referred to as the said model), manufactured by M/s. E.G. Kantawala Pvt. Ltd., Survey No. 28/1, Damodar Nagar, Old Nagar, Mundhawa Road, Kharadi, Pune-411014, Maharashtra and which is assigned the approval mark IND/09/2006/316;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 7.5 kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sales.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

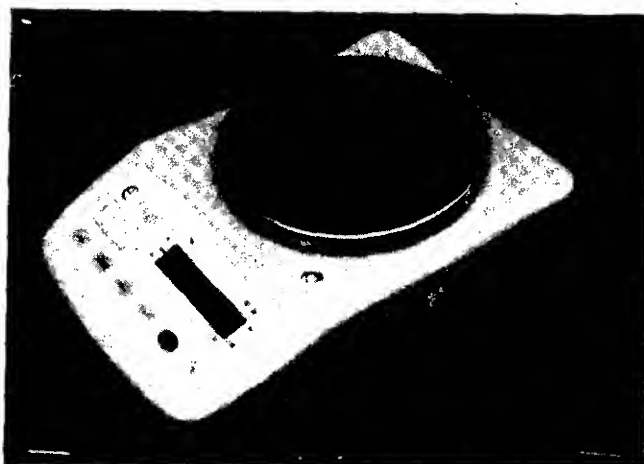
[F. No. WM-21(65)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3102.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ई. जी. कान्तावाला प्राइवेट लिमिटेड, सर्वे नं. 28/1, दामोदर नगर, ओल्ड नगर, मुंधावा रोड, खरादी, पुणे-411014, महाराष्ट्र द्वारा विनिर्मित विशेष (यथार्थता वर्ग 1) वाले "ई. एच. पी." शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ईगल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/317 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक ई एम एफ प्रकार भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 4 किलोग्राम और न्यूनतम क्षमता 1 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्ट्याम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. या उससे अधिक के 'ई' मान के लिए 50,000 अथवा उससे अधिक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

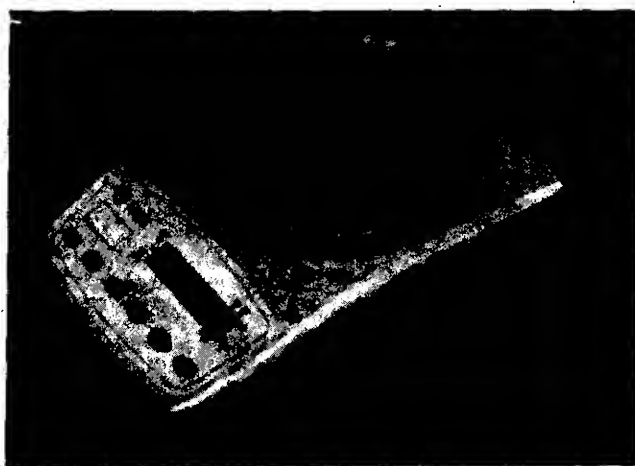
[फा. सं. डब्ल्यू एम-21(65)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3102.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of special accuracy (Accuracy class I) of series "EHP" and with brand name "EAGLE" (hereinafter referred to as the said model), manufactured by M/s. E.G. Kantawala Pvt. Ltd., Survey No. 28/1, Damodar Nagar, Old Nagar, Mundhawa Road, Kharadi, Pune-411014, Maharashtra and which is assigned the approval mark IND/09/2006/317;



The said model is a electro magnetic force Compensation load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 4kg. and minimum capacity of 1g. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc, before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 50,000 or above for 'e' value of 1mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

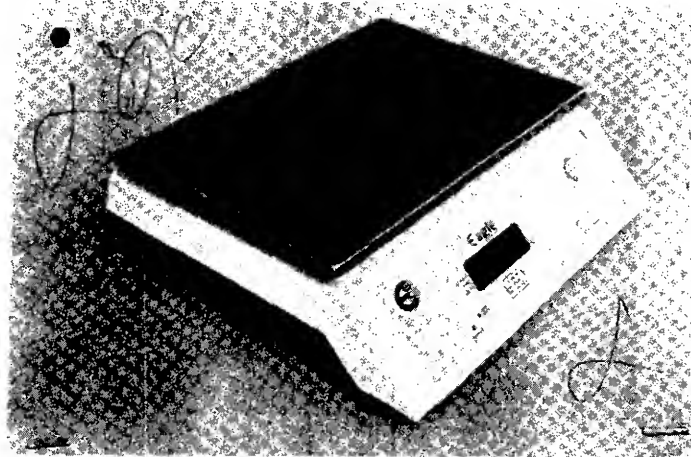
[F. No. WM-21(65)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3103.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ई. जी. कान्तावाला प्राइवेट लिमिटेड, सर्वे नं. 28/1, दामोदर नगर, ओल्ड नगर, मुंभावा रोड, खरादी, पुणे-411014, महाराष्ट्र द्वारा विनिर्मित मध्यम (यथार्थता वर्ग III) वाले "टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ईगल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/318 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 15 किलोग्राम और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टोपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

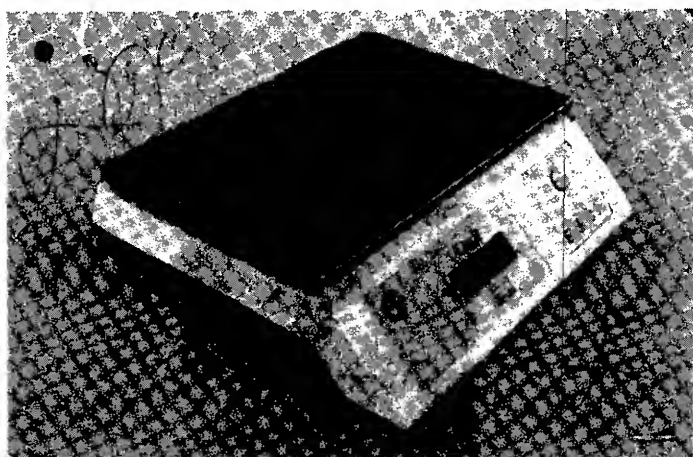
[फा. सं. डब्ल्यू एम-21(65)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3103.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) and digital indication of medium accuracy (Accuracy class III) of series "T" and with brand name "EAGLE" (hereinafter referred to as the said Model), manufactured by M/s. E.G. Kantawala Pvt. Ltd., Survey No. 28/1, Damodar Nagar, Old Nagar, Mundhawa Road, Kharadi, Pune-411014, Maharashtra and which is assigned the approval mark IND/09/2006/318;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(65)/2006]

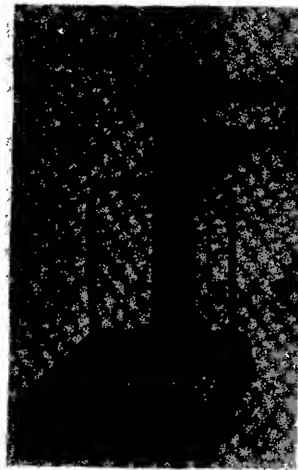
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3104.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जानसन्स पेटेन्ट स्केल इंडस्ट्रीज, बी-16/7, झिलमिल इंडस्ट्रीयल एरिया, जी टी रोड, शाहदरा, दिल्ली-110095 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जे पी एल-1" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (मैकेनिकल प्लेटफार्म मशीन स्टील यार्ड सहित प्रकार) के मॉडल का, जिसके ब्रांड का नाम "जानसन्स एण्ड जे पी एस आई" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/509 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक यांत्रिकी प्रकार का लीवर आधारित अस्वचालित तोलन उपकरण (मैकेनिकल प्लेटफार्म मशीन-स्टील यार्ड प्रकार का) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। और मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. तक "ई" मान के लिए 500 से 10,000 सहित 50 कि. ग्रा. से 5000 कि. ग्रा. तक की रेंज में अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(17)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3104.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing instrument (Mechanical platform machine-with Steelyard type) (hereinreferred to as the said Model) belonging to medium accuracy class (accuracy class-III) of series JPL-I and with brand name "Janson's & JPSI", manufactured by M/s. Janson's Patent Scale Industries, B-16/7, Jhilmil Industrial Area, G.T. Road, Shahdara, Delhi-I10095 and which is assigned the approval mark IND/09/2003/509;



The said Model is a mechanical type lever based non-automatic weighing instrument (Mechanical platform machine-Steelyard type) of maximum capacity 1000kg, minimum capacity 4kg. and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 200g.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 50 kg to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(17)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3105.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जानसन्स पेटेन्ट स्केल इंडस्ट्रीज, बी-16/7, झिलमिल इंडस्ट्रीयल एरिया, जी टी रोड, शाहदरा, दिल्ली-110095 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "जे पी एल-1" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (मकेनिकल प्लेटफार्म मशीन प्रति भार प्रकार) के मॉडल का, जिसके ब्रांड का नाम "जानसन्स एण्ड जे पी एस आई" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/510 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक यांत्रिकी प्रकार का लीवर आधारित अस्वचालित तोलन उपकरण (मकेनिकल प्लेटफार्म मशीन-प्रति भार प्रकार का) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। और मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. तक "ई" मान के लिए 500 से 10,000 सहित 50 कि.ग्रा. से 1000 कि. ग्रा. तक की रेंज में अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(17)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3105.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Mechanical platform machine-with pro-weight type) (herein referred to as the said model), belonging to medium accuracy class (accuracy class-III) of series JPL-1 and with brand name "Janson's & JPST", manufactured by M/s. Janson's Patent Scale Industries, B-16/7, Jhilmil Industrial Area, G.T. Road, Shahdara, Delhi-110095 and which is assigned the approval mark IND/09/2003/510;

The said model is a mechanical type lever based non-automatic weighing instrument (Mechanical Platform machine Pro-weight type) of maximum capacity 500kg. minimum capacity 2kg. and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 100g.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 50 kg. to 1000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(17)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

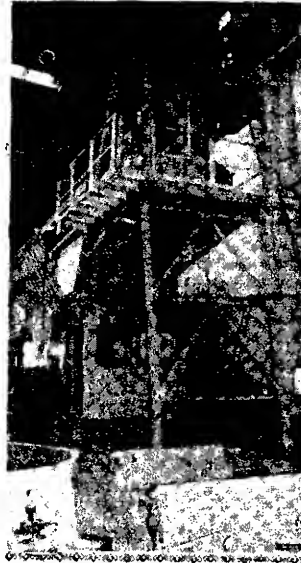
नई दिल्ली, 30 जून, 2006

का. आ. 3106.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्विंग स्टेटर (इण्डिया) प्रा. लि., एफ-71-72, सिपकोट इण्डस्ट्रियल पार्क, इरुकट्टुकोटई, श्रीपेरूमदूर तालुक, कांचीपुरम जिला, तमिलनाडु-602105 द्वारा विनिर्मित "बेचिंग प्लांट" शृंखला के डिस्कॉटिन्यूअस टोटेलाइजिंग तोलन उपकरण (बेच वेयर प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्विंग स्टेटर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/335 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गैज प्रकार का भार सेल आधारित डिस्कॉटिन्यूअस टोटेलाइजिंग तोलन उपकरण (बेच वेयर प्रकार) है। इसकी अधिकतम क्षमता 2500 कि.ग्रा. और न्यूनतम क्षमता 200 किलो ग्रा. है। इसका टोटेलाइजिंग मापमान अन्तराल (ई) 1 किलो ग्राम है। मशीन को आर एम सी सीमेंट बेचिंग प्लांट आदि में प्रयुक्त होने वाली विभिन्न सामग्री को तोलन और भरने के लिए डिजाइन की गई है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित 100 कि. ग्राम से 15000 किलोग्राम की रेंज की क्षमता के साथ उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे।

[फा. सं. डब्ल्यू.एम-21(100)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3106.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of Discontinuous Totalizing Weighing Instrument (Batch Weigher) belonging to accuracy class-I of 'Batching Plant' series with brand name "SCHWING STETTER" (herein referred to as the said Model), manufactured by M/s. Schwing Stetter (India) Pvt. Ltd, F-71-72, Sipcot Industrial Park, Irrugattukottai, Sriperimbudur Taluk, Kanchipuram District, Tamil Nadu-602 105 and which is assigned the approval mark IND/09/2006/335;

The said model is a strain gauge type load cell based Discontinuous Totalizing Weighing Instrument (Batch Weigher). Its maximum capacity is 2500 kg. and minimum capacity to weigh is 200kg. Its totalization scale interval is 1kg. The machine is designed for weighing and filling the various ingredient used in RMC cement batching plant etc. The Light Emitting Diod (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 100 kg. to 15000kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(100)/2006]

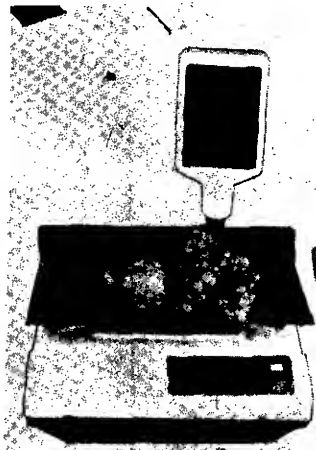
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 जुलाई, 2006

का. आ. 3107.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स 'मैट्रो डीजी स्केल, साधना चैम्बरस, वरछा रोड, सूरत, गुजरात, द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एम ई सी" शृंखला के अंकक सूचना सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैट्रो.डीजी स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/366 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति ग्रेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 22 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टैम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

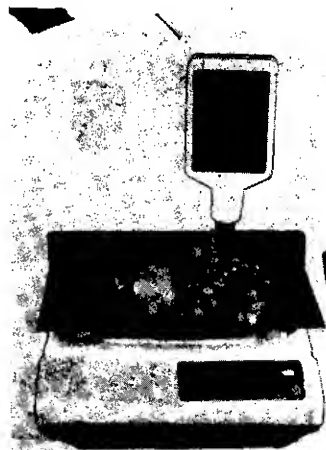
[फा. सं. डब्ल्यू एम-21(44)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th July, 2006

S.O. 3107.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "MEC" series of high accuracy (Accuracy Class-II) and with brand name "Metro Digi Scale" (herein referred to as the said model), manufactured by M/s. Metro Digi Scale, Sadhna Chambers, Varachha Road, Surat, Gujrat and which is assigned the approval mark IND/09/06/366;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 22 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230 Volts, and 50 Hertz alternate current power supply. In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(44)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 24 जुलाई, 2006

का. आ. 3108.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैट्रो डीजी स्केल, साधना चैम्बर्स, वरछा रोड, सूरत, गुजरात, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एम ई टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैट्रो डीजी स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/367 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(44)/2006]

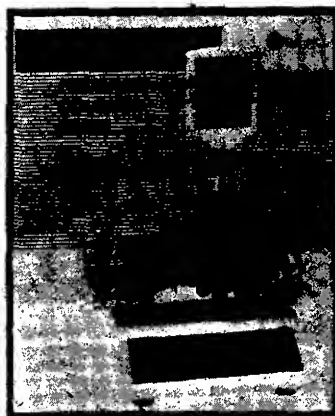
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th July, 2006

S.O. 3108.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "MET" series of medium accuracy (Accuracy Class-III) and with brand name "Metro Digi Scale" (herein referred to as the said model); manufactured by M/s. Metro Digi Scale, Sadhna Chambers, Varachha Road, Surat, Gujarat and which is assigned the approval mark IND/09/06/367;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230 Volts, and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(44)/2006]

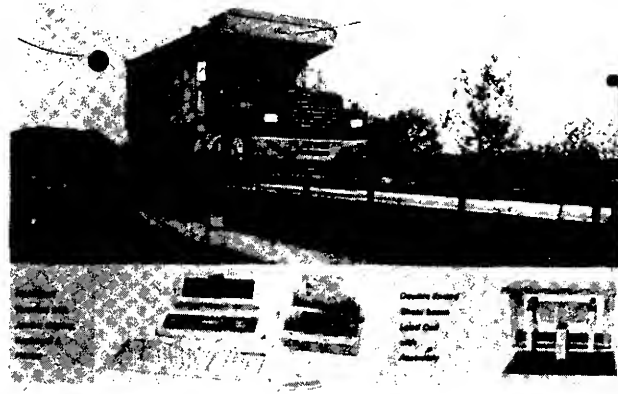
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 24 जुलाई, 2006

का. आ. 3109.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मैट्रो डीजी स्केल, साधना चैम्बर्स, वरछा रोड, सूरत, गुजरात, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एम ई डब्ल्यू” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वे ब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मैट्रो डीजी स्केल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/369 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30,000 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(44)/2006]

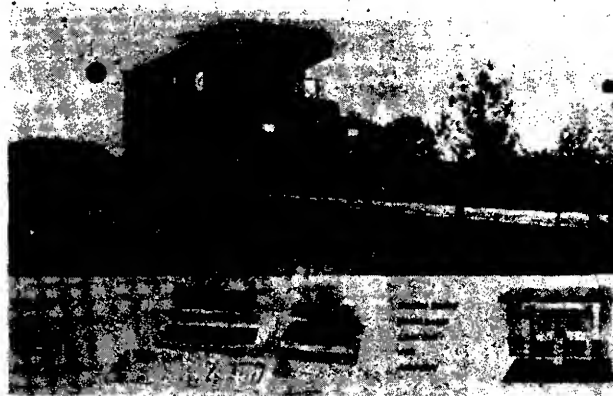
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th July, 2006

S.O. 3109.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy Class-III) and brand "Metro Digi Scale" and series "MEW" (hereinafter referred to as the said model), manufactured by M/s. Metro Digi Scale, Sadhna Chambers, Varachha Road, Surat, Gujrat and which is assigned the approval mark IND/09/06/369;

The said model (see the figure given below) is a load cell based weighing instrument with a maximum capacity of 30,000 kg. and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(44)/2006]

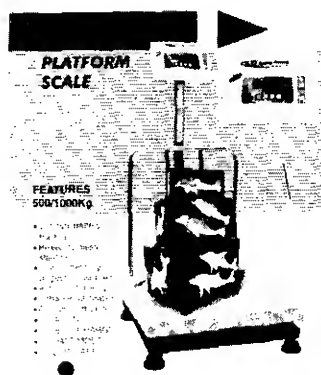
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 24 जुलाई, 2006

का. आ. 3110.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मैट्रो डीजी स्केल, साधना चैम्बरस, वरछा रोड, सूरत, गुजरात, द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एम ई पी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैट्रो डीजी स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/368 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1200 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(44)/2006]

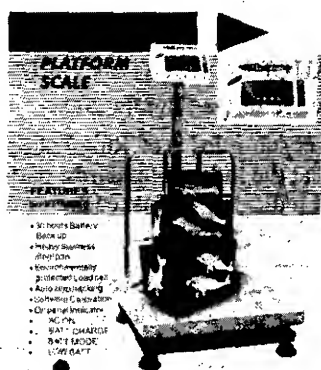
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th July, 2006

S.O. 3110.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "MEP" series of high accuracy (Accuracy Class-II) and with brand name "Metro Digi Scale" (herein referred to as the said model), manufactured by M/s.Metro Digi Scale, Sadhna Chambers, Varachha Road, Surat, Gujrat and which is assigned the approval mark IND/09/06/368;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 1200 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply. In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc before or after sale.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 50 kg. and up to 5000kg with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(44)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 5 जुलाई, 2006

का. आ. 3111.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 11509 (भाग 6): 2006 आई एस ओ 4548-5 : 1990 आंतरिक दहन इंजनों के लिए पूर्ण प्रवाह के स्नेहन तेल फिल्टरों की पुनरीक्षण पद्धतियां भाग 6 कोल्ड स्टार्ट सिमुलेशन और द्रवीय स्पंद स्थायित्व परीक्षण (पहला पुनरीक्षण)	आई एस 11509 (भाग 6): 1986	जून 2006
2.	आई एस 13476:2006 स्वचल वाहन—यांत्रिक स्टीयरिंग गियर—परीक्षण पद्धतियां (पहला पुनरीक्षण)	आई एस 13476:1992	जून 2006
3.	आई एस 15653:2006/आई एस ओ 2710-2:1999 प्रत्यागामी आंतरिक दहन इंजन—शब्दावली—इंजन के रख-रखाव से संबंधित अभियान	—	मई 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. टी ई डी/जी-16]

पी. सी. जोशी, वैज्ञानिक एवं प्रमुख (टीईडी)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 5th July, 2006

S. O. 3111.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. year & title of the Indian Standards Established	No. & year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 11509 (Part 6): 2006/ISO 4548-5:1990 Methods of test for full-flow lubricating oil filters for internal combustion engines Part 6 cold-start simulation and hydraulic pulse durability test (first revision)	IS 11509 (Part 6): 1986	June 2006
2.	IS 13476:2006 Automotive vehicles—Mechanical steering gear—Methods of test (first revision)	IS 13476:1992	June 2006
3.	IS 15653:2006/ISO 2710-2:1999 Reciprocating Internal combustion engines—Vocabulary—Terms for engine maintenance	—	May 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. TED/G-16]

P. C. JOSHI, Director & Head (Transport Engg.)

नई दिल्ली, 28 जुलाई, 2006

का. आ. 3112.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 7512:2006—धात्विक चूर्ण की फिशर सब सिव साइजर के द्वारा औसत कण आकार को ज्ञात करने की पद्धति (पहला पुनरीक्षण)	आई एस 7512:1974	30 जून, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 25/टी-25]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 28th July, 2006

S. O. 3112.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 7512 : 2006/Method for the determination of average particle size of metal powders by fisher sub-sieve sizer (first revision)	IS 7512: 1974	30 June, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 25/T-25]

S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 28 जुलाई, 2006

का. आ. 3113.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	3478:1966	संख्या 4, जून 2006	30 जून, 2006

इन संशोधनों की प्रति भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों, अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सीईडी/राजपत्र]

जे. सी. अरोड़ा, वैज्ञानिक "ई" व प्रमुख (सिविल इंजीनियरी)

New Delhi, the 28th July, 2006

S.O. 3113.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	3478:1966	No. 4, June 2006	30 June, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CED/Gazette]

J. C. ARORA, Scientist-E & Head (Civil Engg.)

नई दिल्ली, 31 जुलाई, 2006

का. आ. 3114.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 5529 (भाग 2):2006—स्वस्थाने भेधता परीक्षण भाग 2 बैंड रॉक में परीक्षण (दूसरा पुनरीक्षण)	आई एस 5529 (भाग 2): 1985—स्वस्थाने भेधता परीक्षण भाग 2 बैंड रॉक में परीक्षण (पहला पुनरीक्षण)	30-06-2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ डब्ल्यूआरडी 5/टी-27]

अनिलेश एम. डेविड, निदेशक (जल संसाधन)

New Delhi, the 31st July, 2006

S. O. 3114.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. Title and year of the Indian Standards Established	No. and year of Indian Standards, if any, superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 5529 (Part 2) : 2006 In-Situ Permeability Test Part 2 Tests in Bedrock (Second Revision)	IS 5529 (Part 2) : 1985 In-Situ Permeability Test Part 2 Tests in Bedrock (First Revision)	30-6-2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch

Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. WRD5/T-27]

ANILESH M. DAVID, Director (Water Resources)

नई दिल्ली, 31 जुलाई, 2006

का. आ. 3115.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वह स्थापित हो गये हैं:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 11895 : 2006—मैंगनीज अयस्क, लौहमय मैंगनीज अयस्क, सिलिकामय मैंगनीज अयस्क, डायऑक्साइड मैंगनीज अयस्क, तथा मैंगनीजमय लौहमय अयस्क का वर्गीकरण (पहला पुनरीक्षण)	आई एस 11895 : 1986	31 मई 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 13/टी-32]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 31st July, 2006

S. O. 3115.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 11895 : 2006—Classification of Manganese ore, ferruginous manganese ore, siliceous manganese ore, dioxide manganese ore and manganiferous iron (first revision)	IS 11895:1986	31 May 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch

Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 13/T-32]

S. K. GUPTA, Scientist 'F' & Head (MTD)

शहरी विकास मंत्रालय

(संपदा निदेशालय)

नई दिल्ली, 8 अगस्त, 2006

का. आ. 3116.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के प्रयोजन के लिए नीचे दी गई सारणी के स्तंभ (1) में उल्लिखित अधिकारी को संपदा अधिकारी नियुक्त करती है जो उक्त सारणी के स्तंभ (2) में विनिर्दिष्ट सरकारी स्थानों की बाबत अपनी अधिकारिता द्वारा या उसके अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का अनुपालन करेगा, अर्थात्:—

सारणी

क्रम संख्या	अधिकारी का पदनाम	सरकारी स्थान का प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
(1)	(2)	(3)
1.	सहायक इंजीनियर, अकुर्दी, केन्द्रीय उपखंड, केन्द्रीय लोक निर्माण विभाग, सी.जी.ओ. कॉम्प्लेक्स, प्राधिकरण, सेक्टर नं. 27ए अकुर्दी, जिला-पुणे, राज्य-महाराष्ट्र पिन कोड-411 044	पुणे स्थित केन्द्रीय सरकार के स्वामित्व या नियंत्रण में सभी साधारण पूल के आवासीय या कार्यालय स्थान

[फा. सं. डी-11016/9/05-प्रादेशिक]

महेन्द्र सिंह, उप निदेशक, संपदा

MINISTRY OF URBAN DEVELOPMENT

(Directorate of Estates)

New Delhi, the 8th August, 2006

S. O. 3116.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, to be Estate Officer for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed on the Estate Officer & by or under the said Act, within the limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table, namely:—

TABLE

Sl. No.	Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)	(3)
1.	Assistant Engineer, Akurdi Central Sub-Division, Central Public Works Department, C.G.O. Complex, Pradhikaran, Sector No. 27, Akurdi, District-Pune, State-Maharashtra, Pin code-411 044.	All General Pool Residential or Office accommodation owned or controlled by Central Government at Pune.

[F. No. D-11016/9/05-Regions]

MAHENDRA SINGH, Dy. Director of Estates

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 4 अगस्त, 2006

का. आ. 3117.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए:

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र से यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में आशा आर. शाह सक्षम प्राधिकारी इंडियन ऑयल कोर्पोरेशन लिमिटेड, मकान नं. 3/122 रिफाइनरी टाउनशीप, कोयली, डाकघर जवाहरनगर, वडोदरा-391320 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची					
तालुका : वडोदरा	जिला : वडोदरा		राज्य : गुजरात		
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
आसोज	175		00	17	25

[फा. सं. आर-25011/5/2006 ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 4th August, 2006

S.O. 3117.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Rattam in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification; issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mrs. Asha R. Shah, Competent Authority, Indian Oil Corporation Limited, at office Qtrs.No.3/122, Refinery Township, P.O. Jawaharnagar, Vadodara-391320 (Gujarat).

SCHEDULE

Tehsil :- Vadodara		Dist :- Vadodara		State :- Gujarat		
Name of Village	Survey/Block NO.	Sub-Division No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
Asoj	175		00	17	25	

[F. No. R-25011/5/2006-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 4 अगस्त, 2006

क्र. आ. 3118.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए.

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए:

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में आशा आर. शाह सक्षम प्राधिकारी इंडियन ऑयल कोर्पोरेशन लिमिटेड, मकान नं. 3/122 रिफाइनरी टाउनशीप, कोयली, डाकघर जवाहरनगर, वडोदरा-391320 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका :- सावली	जीला :- वडोदरा		राज्य : गुजरात		
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एकर	गजबेरा
1	2	3	4	5	6
इन्द्राल	1239		00	06	94
खाखरीया	114	10P6	00	08	85
सींगानीया	31	1	00	09	12

[फा. सं. आर-25011/5/2006, आ. सं. 3118]
एस. के. चिटकाप, जवर सचिव

New Delhi, the 4th August, 2006

S.O. 3118.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mrs. Asha R. Shah, Competent Authority, Indian Oil Corporation Limited, at office Qtrs.No.3/122, Refinery Township, P.O. Jawaharnagar, Vadodara-391320 (Gujarat).

SCHEDULE

Tehsil :- Savli	Dist :- Vadodara		State :- Gujarat		
Name of Village	Survey/Block No.	Sub-Division No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Indral	1239		00	06	94
Khakhariya	114	10P6	00	08	85
Singaniya	31	1	00	09	12

[F. No. R-25011/5/2006-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 8 अगस्त, 2006

का. आ. 3119.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मांगल्या (इन्दौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादकों के परिवहन के लिए भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ; अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती हैं ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री दीपक नन्दी, सम्पन्न प्राधिकारी, मुम्बई मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड, 73, प्रतापविला, रोजविला स्कीम बर्ड सेंचुरी रोड, भरतपुर (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : रूपबास		जिला : भरतपुर	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	जयचौली	209	0.0052
		184	0.0136
		187	0.0136
		192	0.0475
		299	0.0125
		304	0.0371
		157	0.0600
2	अंधियारी	712	0.0300
		713	0.0285
3	कुन्देर	99	0.0300
		98	0.0350
		100	0.0500
		478	0.0450
		477	0.0314
		424	0.0500

[फा. सं. आर-31015/86/2004 ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 8th August, 2006

S. O. 3119.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Deepak Nandi, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, 73, Pratap villa, Rose villa scheme, Bird Century Road Bharatpur (Rajasthan).

SCHEDULE

TEHSIL : ROOPBAS

DISTRICT : BHARATPUR

STATE : RAJASTHAN

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	JAICHAULI	209	0.0052
		184	0.0136
		187	0.0136
		192	0.0475
		299	0.0125
		304	0.0371
		157	0.0600
2	ANDHIYARI	712	0.0300
		713	0.0285
3	KUNDER	99	0.0300
		98	0.0350
		100	0.0500
		478	0.0450
		477	0.0314
		424	0.0500

[F. No. R-31015/86/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 8 अगस्त, 2006

का. आ. 3120.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3320 तारीख 15 सितम्बर, 2005, जो भारत के राजपत्र तारीख 17 सितम्बर, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 3 दिसम्बर 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपना रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : पिड़ावा		जिला : झालावाड़	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	सेमलीकल्याण	257	0.5740
		246	0.1592
		331	0.0520
		254	0.0150
		276/459	0.0720
		238	0.1520
		231	0.0510
		333	0.0100
		229	0.0940
		220	0.0300
		222	0.0650
		223	0.0360
		212	0.0080
		191	0.0300
		187	0.0150
		186	0.1370
		185	0.0150
		180	0.0080
2	मुंडला	659	0.0072
		660	0.0144
3	फतेहगढ़	422/1103	0.0144
4	कचरा खेड़ी	606	0.0288

1	2	3	4
5	निमाहेड़ा	199/545	0.0864
		445	0.0144
		442	0.2160
		443	0.0040
6	डावल	121/752	0.0220
		114/744	0.1230
		105	0.1100
		104	0.0580
		101	0.1950
		95/776	0.0300
		95	0.0510

[फा. सं. आर-31015/84/2004 ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 8th August, 2006

S. O. 3120.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.3320, dated the 15th September, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 17th September, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 3 December, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule , appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : PIDAWA		DISTRICT : JHALAWAR	STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	SEMLI KALYAN	257	0.5740
		246	0.1592
		331	0.0520
		254	0.0150
		276/459	0.0720
		238	0.1520
		231	0.0510
		333	0.0100
		229	0.0940
		220	0.0300
		222	0.0650
		223	0.0360
		212	0.0080
		191	0.0300
		187	0.0150
		186	0.1370
		185	0.0150
		180	0.0080
2	MUNDLA	659	0.0072
		660	0.0144
3	FATEHGARH	422/1103	0.0144
4	KACHRA KHEDI	606	0.0288
5	NIMAHEDA	199/545	0.0864
		445	0.0144
		442	0.2160
		443	0.0040
6	DAWAL	121/752	0.0220
		114/744	0.1230
		105	0.1100
		104	0.0580
		101	0.1950
		95/776	0.0300
		95	0.0510

[F. No. R-31015/84/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 10 अगस्त, 2006

का. आ. 3121.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए.

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में आशा आर. शाह सक्षम प्राधिकारी इंडियन ऑयल कोर्पोरेशन लिमिटेड, मकान नं. 3/122 रिफाइनरी टाउनशीप, कोयली, डाकघर जवाहरनगर, वडोदरा-391320 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : दाहोद	जिला : दाहोद		राज्य : गुजरात		
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
खेंग	47		00	46	61
	1	A/2	00	08	10

[फा. सं. आर-25011/6/2006 ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 10th August, 2006

S.O. 3121.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification;

issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mrs. Asha R. Shah, Competent Authority, Indian Oil Corporation Limited, at office Qtrs.No.3/122, Refinery Township, P.O. Jawaharnagar, Vadodara-391320 (Gujarat).

SCHEDULE

Tehsil :- Dahod	Dist :- Dahod		State :- Gujarat		
Name of Village	Survey/Block NO.	Sub-Div. No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Kheng	47		00	46	61
	1	A/2	00	08	10

[F. No. R-25011/6/2006-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 10 अगस्त, 2006

का. आ. 3122.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए.

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए.

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में आशा आर. शाह सक्षम प्राधिकारी इंडियन ऑयल कोर्पोरेशन लिमिटेड, मकान नं. 3/122 रिफाइनरी टाउनशीप, कोयली, डाकघर जवाहरनगर, वडोदरा-391320 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : लीमखेडा	जिला : दाहोद		राज्य : गुजरात		
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
खीरखेरी	86		00	09	21
	236		00	13	79

[फा. सं. आर-25011/6/2006 ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 10th August, 2006

S.O. 3122.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification; issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mrs. Asha R. Shah, Competent Authority, Indian Oil Corporation Limited, at office Qtrs.No.3/122, Refinery Township, P.O. Jawaharnagar, Vadodara-391320 (Gujarat).

SCHEDULE

Tehsil :- Limkheda	Dist :-Dahod		State :- Gujarat		
Name of Village	Survey/Block NO.	Sub-Division No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Khirkheri	86		00	09	21
	236		00	13	79

[F. No. R-25011/6/2006-O.R.-1]

S. K. CHITKARA, Under Secy.

नई दिल्ली, 10 अगस्त, 2006

का. आ. 3123.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए.

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है. उपयोग के अधिकार का अर्जन किया जाए:

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में आशा अग्र. राह सक्षम प्राधिकारी इंडियन ऑयल कोर्पोरेशन लिमिटेड, मकान नं. 3/122 रिफाइनरी टाउनशिप, कोयली, डाकघर जवाहरनगर, वडोदरा-391320 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : हालोल	जिला : पंचमहाल		राज्य : गुजरात		
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
कंजरी(चन्द्रपुरा)	2305		00	02	66
	2304		00	00	20
	2306		00	27	09
	2313	2	00	19	16
	2345		00	51	32
	2354		00	31	36
	2355		00	39	91
	2356		00	35	64
	2357		00	24	23
	1495		00	18	53
	2358		00	21	38
	2360		00	27	08
	2365		00	49	89

[फा. सं. आर-25011/7/2006 ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 10th August, 2006

S. O. 3123.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification; issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mrs. Asha R. Shah, Competent Authority, Indian Oil Corporation Limited, at office Qtrs.No.3/122, Refinery Township, P.O. Jawaharnagar, Vadodara-391320 (Gujarat).

SCHEDULE

Tehsil :- Halol	Dist :- Panch Mahal		State :- Gujarat		
Name of Village	Survey/Block NO.	Sub-Division NO.	Area		
			Hectare	Are.	Sq.mtr.
1	2	3	4	5	6
Kanjari(Chandrapura)	2305	2	00	02	66
	2304		00	00	20
	2306		00	27	09
	2313		00	19	16
	2345		00	51	32
	2354		00	31	36
	2355		00	39	91
	2356		00	35	64
	2357		00	24	23
	1495		00	18	53
	2358		00	21	38
	2360		00	27	08
	2365		00	49	89

[F. No. R-25011/7/2006-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 10 अगस्त, 2006

क्रा. आ. 3124.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए.

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए:

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में आशा आर. शाह सक्षम प्राधिकारी इंडियन ऑयल कोर्पोरेशन लिमिटेड, मकान नं. 3/122 रिफाइनरी टाउनशिप, कोयली, डाकघर जवाहरनगर, वडोदरा-391320 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : कालोल	जिला : पंचमहाल		राज्य : गुजरात		
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
व्यासडा	1194		00	07	25

[फा. सं. आर-25011/7/2006 ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 10th August, 2006

S. O. 3124.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification; issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mrs. Asha R. Shah, Competent Authority, Indian Oil Corporation Limited, at office Qtrs.No.3/122, Refinery Township, P.O. Jawaharnagar, Vadodara-391320 (Gujarat).

SCHEDULE

Tehsil :- Kalol	Dist :-Panchmahal		State :- Gujarat		
Name of Village	Survey/Block NO.	Sub-Div. No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Vyasda	1194		00	07	25

[F. No. R-25011/7/2006-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 10 अगस्त, 2006

का. अ. 3125.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए.

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए:

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में आशा आर. शाह सक्षम प्राधिकारी इंडियन ऑयल कोर्पोरेशन लिमिटेड, मकान नं. 3/122 रिफाइनरी टाउनशीप, कोयली, डाकघर जवाहरनगर, वडोदरा-391320 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका : धोधंबा	जिला : पंचमहाल		राज्य : गुजरात		
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
दामावाव	37		0	31	45

[फा. सं. आर-25011/7/2006 ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 10th August, 2006

S.O. 3125.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification; issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mrs. Asha R. Shah, Competent Authority, Indian Oil Corporation Limited, at office Qtrs.No.3/122, Refinery Township, P.O. Jawaharnagar, Vadodara-391320 (Gujarat).

SCHEDULE

Tehsil :- Ghoghamba	Dist :-Panchmahal		State :- Gujarat		
Name of Village	Survey/Block NO.	Sub-Division No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Damavav	37		0	31	45

[F. No. R-25011/7/2006-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 10 अगस्त, 2006

का. आ. 3126.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का०आ० 34, तारीख 5, जनवरी, 2006 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुचिरापल्ली होकर मदुराई तक और आसनूर से शंकरा तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 14-2-2006 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केंद्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केंद्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केंद्रीय सरकार में निहित होने की बजाय सभी बिल्लिंगों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : तिरुवल्लूर		जिला : तिरुवल्लूर		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे नंबर	हिस्सा नंबर	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6
नं. 136 तोडुकाडु	255	15	0	02	00
	255	16	0	05	40
	255	18	0	04	00
	255	19	0	04	00

[फा. सं. आर-25011/29/2004 आ.आर.-1]

एस. के. चिदम्बरम, अवर सचिव

New Delhi, the 10th August, 2006

S. O. 3126.—Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 34 dated the 5th January 2006 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Chennai to Madurai via Tiruchirapalli and Sankari in the State of Tamilnadu, by the Indian Oil Corporation Limited;

And, whereas, copies of the said notification were made available to the public from 14-2-2006;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluk : Tiruvallur		District : Tiruvallur		State : Tamil Nadu	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
NO.136 THODUKADU	255	15	0	02	00
	255	16	0	05	40
	255	18	0	04	20
	255	19	0	04	00

[F. No. R-25011/29/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 10 अगस्त, 2006

का. आ. 3127.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का०आ० 35, तारीख 5, जनवरी, 2006 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक और आसनूर से शंकरी तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 14-2-2006 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केंद्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केंद्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केंद्रीय सरकार में निहित होने की बजाय सभी बिलिंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : तिरुमंडगलम		जिला : मदुरै		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे नंबर	हिस्सा नंबर	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6
नं. 11 धर्मत्तुप्पट्टि	19	9 ऐ	0	200	60

[फा. सं. आर-25011/29/2004 ओ.आर.-1]

एम. के. चिन्मय, अवर सचिव

New Delhi, the 10th August, 2006

S. O. 3127.—Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 35 dated the 5th January 2006 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Chennai to Madurai via Tiruchirapalli and Sankari in the State of Tamilnadu, by the Indian Oil Corporation Limited;

And, whereas, copies of the said notification were made available to the public from 14-2-2006;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluk :THIRUMANGALAM		District : MADURAI			State : TAMILNADU	
Name of the Village	Survey No.	Sub-Division No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
NO.11.DHARMATHUPATTI	19	9I	0	00	50	

[F. No. R-25011/29/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 10 अगस्त, 2006

का. आ. 3128.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का०आ० 36, तारीख 5, जनवरी, 2006 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक और आसनूर से शंकरी तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 14-2-2006 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केंद्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केंद्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केंद्रीय सरकार में निहित होने की बजाय सभी बिलिंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : कल्लक्कुरिप्पि		जिला : विल्लुपुरम		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे नंबर	ठिस्सा नंबर	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6
नं .99 रायप्पनूर	376	9	0	20	32

[फा. सं. आर-25011/29/2004 ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 10th August, 2006

S. O. 3128.—Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 36 dated the 5th January 2006 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Chennai to Madurai via Tiruchirapalli and Sankari in the State of Tamilnadu, by the Indian Oil Corporation Limited;

And, whereas, copies of the said notification were made available to the public from 14-2-2006;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluk :KALLAKURICHCHI		District : VILLUPURAM		State : TAMILNADU	
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
NO.99 RAYAPPANUR	376	9	0	20	32

[F. No. R-25011/29/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 10 अगस्त, 2006

का. आ. 3129.—केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का. आ. 1620 दिनांक 26.04.2006 द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन अधिसूचना प्रकाशित कर, ब्यावर से चित्तौड़गढ़ तक पेट्रोलियम उत्पादों के परिवहन के लिए “सिद्धपुर-सांगानेर पाइपलाइन से चित्तौड़गढ़ तक ब्रान्च लाईन” के कार्यान्वयन हेतु एक शाखा पाइपलाइन बिछाने के लिये उक्त अधिसूचना में विनिर्दिष्ट तहसील भीलवाड़ा, जिला भीलवाड़ा, राजस्थान राज्य की भूमि अधिसूचित की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को दिनांक 29.05.2006 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी, राजस्थान, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगनों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : भीलवाड़ा		जिला : भीलवाड़ा		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
मुझरास	14	0	06	00	
	15	0	07	40	
	13	0	02	00	
	17	0	05	40	

[फा. सं. आर-25011/31/2004 ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 10th August, 2006

S. O. 3129.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 1620 dated 26.04.2006 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Bhilwara, District : Bhilwara in the State of Rajasthan, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products in the State of Rajasthan from Beawar to Chittaurgarh in respect of "Branch Pipeline to Chittaurgarh from Sidhpur – Sanganer Pipeline" by the Indian Oil Corporation Limited

And whereas, copy of the said notification was made available to the general public on 29.05.2006.

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : BHILWARA		District : BHILWARA		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
MUJARAS	14	0	06	00	
	15	0	07	40	
	13	0	02	00	
	17	0	05	40	

[F. No. R-25011/31/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 10 अगस्त, 2006

का.आ. 3130.—केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. 1619 दिनांक 26.04.2006 द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन अधिसूचना प्रकाशित कर, ब्यावर से चित्तौड़गढ़ तक पेट्रोलियम उत्पादों के परिवहन के लिए “सिद्धपुर-सांगानेर पाइपलाइन से चित्तौड़गढ़ तक ब्रान्च लाईन” के कार्यान्वयन हेतु एक शाखा पाइपलाइन बिछाने के लिये उक्त अधिसूचना में विनिर्दिष्ट तहसील मांडल, जिला भीलवाड़ा, राजस्थान राज्य की भूमि अधिसूचित की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को दिनांक 29.05.06 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी, राजस्थान, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी वित्तीयों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : मांडल	जिला : भीलवाड़ा	राज्य : राजस्थान		
गांव का नाम	असरा सख्या	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
भादू	2828/1320	0	21	60
	3140/565	0	02	10
	2821/2290	0	08	30
	2738/2290	0	06	30
	3019/2853	0	25	20

[फा.सं.आर-25011/31/2004 ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 10th August, 2006

S. O. 3130.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 1619 dated 26.04.2006 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Mandal, District : Bhilwara in the State of Rajasthan, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products in the State of Rajasthan from Beawar to Chittaurgarh in respect of "Branch Pipeline to Chittaurgarh from Sidhpur – Sanganer Pipeline" by the Indian Oil Corporation Limited

And whereas, copy of the said notification was made available to the general public on 29.05.06.

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : MANDAL		District : BHILWARA		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
BHADU	2828/1320	0	21	60	
	3140/565	0	02	10	
	2821/2290	0	08	30	
	2738/2290	0	06	30	
	3019/2853	0	25	20	

[F. No. R-25011/31/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 13 जुलाई, 2006

का.आ. 3131.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 3/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-2006 को प्राप्त हुआ था।

[सं. एल-41011/26/99-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 13th July, 2006

S.O. 3131.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2000) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 13-7-2006.

[No. L-41011/26/99-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR**

Case No. CGIT-3/2000

Presiding Officer : SH. R. C. SHARMA

Reference No. L-41011/26/99-IR(B-I)

The General Secretary,
Railway Casual Labour Union,
Near Daga School,
Bikaner-334001

.....Applicant-Union

Versus

1. The Divisional Railway Manager,
Northern Railway,
Bikaner-334001

2. The Divisional Personnel Officer,
Northern Railway,
Bikaner-334001

.....Non-applicants

Date of award : 23-6-2006

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter

referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under:—

"Whether the action of the Divisional Railway Manager, Northern Railway, Bikaner and others in terminating/retrenching the services of 50 workers in violation of Section 25, 25G and 25H of the I.D. Act and rules made thereunder was justified? If not, what relief the workmen are entitled and from what date?"

2. The Central Government has referred this dispute pertaining to 50 workmen, named in the list enclosed therewith. Out of them, the applicant-union has submitted the claim statement with regard to 49 workmen and has pleaded that each of the workmen had completed more than 240 days of work in a calendar year, who worked in the districts Hanumangarh, Sriganganagar and Bikaner respectively, but their services were orally terminated. Assailing the termination, it has been stated that the provisions under Section 25-F, 25-G and 25-H have not been complied with. It has been further stated that the seniority list of the workmen was not prepared and the junior persons to these workmen, as named at para 9 of the claim, were retained by the railway management in violation of Section 25-G of the Act. The union has urged that these workmen be reinstated in the service with full back wages and other consequential benefits.

3. Resisting the claim, the non-applicants have averred in their written-counter that none of the workmen as named in the list had completed 240 days of work in a calendar year. It has been categorically stated that at serial No. 10 Ramdev, at No. 39 Ramchandra and at No. 43 Bhika Ram respectively were never employed at the alleged places of work and that their services were not terminated but they voluntarily abandoned the job. It has also been stated that such workmen were engaged for a fixed time and on expiry of the TLA period their employment was automatically terminated. No seniority list of such workmen is being prepared by the department.

4. In the rejoinder, the union while reiterating the facts as narrated in the claim statement, has further stated that the provision under Section 2(oo)(bb) of the Act is not applicable in the present case.

5. On the pleadings of the parties the points for determination were framed and their English version is quoted as below:

- I. Whether the applicants have worked for 240 days in the employment of non-applicant management in a period of one year preceding to their termination?
- II. Whether the workmen whose names are mentioned in the annexure enclosed with the reference have voluntarily abandoned their jobs?

III. Whether the termination of the services of workmen, whose names are mentioned in the list enclosed with the reference, has been made by the non-applicant management in violation of Section 25-F, 25-G, 25-H of the Industrial Disputes Act, 1947 and Rules 77 of the Industrial Disputes (Central) Rule, 1957?

III-A Whether in the present dispute, General Manager, Northern Railway, New Delhi and Assistant Engineer (Second), Northern Railway, Hanumangarh, Suratgarh and Bikaner are necessary parties and whether the claim is liable to be dismissed on account of not impleading them as parties?

IV. The workmen whose names have been mentioned in the list enclosed with the reference are entitled to what relief?

6. Out of the 49 workmen, whose cause has been espoused by the applicant-union, only the following 35 workmen have appeared in the witness box—Amarpal Singh, Malaram, Babulal, Kaluram, Gaurishankar, Omprakash S/o Sohan Lal, Choru Shah, Vidyantand Pandey, Ramesh Kumar, Khemraj, Sandeep Kumar, Kailash Das, Usman Gani, Ramdev, Balveer Singh, Kanwar Lal, Bhudhsaran, Bhagirath, Omprakash S/o Kamal, Jaikishan Sharma, Jaswant Singh, Ranveer Singh, Altaf Hussain, Begraj, Parita Ram, Sadul Singh, Jeet Khan, Alamdin, Akbar, Ibrahim, Ali Khan, Lal Chand, Ghisaram, Hansraj and Ramdeva. A few among the rest of the workmen though have submitted their affidavits yet they did not offer themselves for the cross-examination. Hence, their affidavits cannot be taken into consideration.

7. In the rebuttal, the counter-affidavits of Ved Prakash, Section Engineer, Udayveer Singh, SSE, Shivdayal Meena, Section Engineer, Balendu, ADEN, Chandra Kumar, PW1, Sunhash Chandra Verma, ADEN, Ramsuresh, Section Engineer, Shantilal, Section Engineer, MM Upadhyay, AEN, Surendra Kumar, Chief Legal Officer, DD Pathak, Sr. Personnel Officer and Hanuman Prasad, AEN have been placed on the record. All these witnesses were cross-examined by the respective opposite representative. Both the parties have also adduced the documentary evidence.

8. Both the parties have submitted their written submissions which I have carefully examined. I have also scanned the record and have carefully gone through the the judicial pronouncements referred to before me. The point-wise discussion follows as under :—

Points No. I & II

9. Since the questions of facts and law involved in both these issues are identical, they are being discussed together as under.

10. It has been contended on behalf of the union that the workmen were continuously working under the employment of the railway at different places shown opposite the names of the workmen in the list, who have worked over 240 days in a calendar year, that they did not abandon the job and no record has been produced to show that they were employed on the basis of TLA. The Ld. representative for the union has also placed a list of the workmen exhibiting their particulars of the employment and the documents relied upon in support of the plea that they have completed 240 days of work in a calendar year.

11. Per contra, the Ld. representative for the railway has contended that the workmen were clearly told that they have been engaged for a fixed period and for a specified job, who have not completed 240 days of work and their details of employment are not clear. It has also been contended that they voluntarily abandoned the job.

12. I have bestowed my anxious consideration to the rival contentions.

13. In (2005) 8 SCC 750 Surendranagar Distt—Panchayat vs. Dahyabhai Amar Singh, the Hon'ble Apex Court has held that as per Section 25 B of the Act the workman shall be said to be in continuous service for one year when he is in the employment of employer for the continuous uninterrupted period of one year except the period of absence permissible under the Section. The Hon'ble Court goes on to observe that "the provisions postulate that if the workman has put in at least 240 days with his employer, immediately prior to the date of retrenchment, he shall be deemed to have served with the employer for a period of one year to get the benefit of Section 25F".

14. In the light of the principle propounded by the Hon'ble Apex Court supra, it has to be examined as to whether the workmen have completed 240 days of actual service in a calendar year under the employment of the bank immediately preceding to the date of their termination or they were in the employment for the continuous uninterrupted period of one year prior to their termination.

15. To being with, it has been contended on behalf of the railway that the burden of completion of 240 days in a calendar year lies upon the workmen and in support of the submission the Ld. representative has invited my attention towards (2002) 8 SCC 400, which fortifies this submission. Adding to it, in (2005) 8 SCC 450, the Hon'ble Apex Court in consonance with the various pronouncements rendered by it has observed that the burden of proof lies on the workman to show that he had worked continuously for 240 days in the preceding one year prior to his alleged termination and it is for the workman to adduce evidence apart from examining himself to prove the factum of his being in employment of the employer. Only the oral evidence to establish this fact has not been considered enough to prove this fact.

16. The Id. representative for the union in his written submission has placed his reliance on the documentary evidence with regard to 20 workmen only out of 35 workmen who have examined themselves.

17. Khemraj has admitted in his cross-examination that he had worked only for 86 days during the year 1984, Usman Gani admits that he only worked for 29 days in the year 1984 and similarly Ranveer Singh has stated that he worked from 1-6-84 to 14-6-84. Altaf Hussain has stated that he only worked from 9-9-83 to 19-11-83, Ibrahim admits that he worked from 15-6-75 to 14-8-75 and Ramdev has admitted that he worked from 2-1-78 to 30-3-78. It is, therefore, manifestly clear from their admission that they have not completed 240 days of actual service continuously in the calendar year preceding to their termination and the assertion that they had put in 240 days of service is unsustainable.

18. Though the Id. representative for the union has shown the names of Ramdev and Khemraj in the list annexed with his written submission and has contended that on the basis of the documentary evidence they too have completed 240 days in a calendar year, yet as per the admission of these workmen themselves the submission is unsustainable.

19. Now, I dwell over the submission as to whether the rest of the workmen exhibited in the written submission have completed 240 days of work in a calendar year with the assistance of the documents mentioned opposite their names. All these workmen were employed as Gangmen except Sanga Ram who was engaged as a Carpenter.

20. On a careful scrutiny of the documents relied upon by the union the following workmen appears to have worked for more than 240 days in a calendar year preceding to their termination - Sandeep Kumar, Balveer Singh, Babu Lal, Amarpal Singh, Lal Chand and Gauri Shankar. But the following workmen named in the written submission, have not worked for 240 days as per their service record advanced by them. The term of employment of Malaram is alleged to have been from 29-11-84 to 4-7-86 and the documents relied upon are Ex. W-9 and W-10, but from them it cannot be ascertained as to whether he had completed 240 days in the calendar year preceding to his termination. The number of working days in the service record of Begaram has not been mentioned. Similarly, Vidyanand Pandey has put in only 80 days from 24-4-84 to 14-7-84. Jaswant Singh worked for only 52 days as per his service record. Dedaram has also been shown in the list accompanied with written submission alleging that he had completed over 240 days, but he has not appeared in the witness box. Ex. W-24 does not disclose that Choru Ram has completed 240

days. It has been alleged that Omprakash S/o Kamal was engaged on 2-8-80 whose service was terminated w.e.f. 9-9-85, but he has not put in 240 days of work as per his service record. For Kanwar Lal Ex. W-27 has been referred to, but it does not disclose his working days. Similarly, the documents of Kajlash Das does not point out the working days. Omprakash S/o Sohan Lal has also not worked for 240 days as per his service record.

21. So far as the remaining workmen's testimony is concerned, though they have deposed in their affidavits respectively that they worked for 240 days, but they have pleaded inability to point out as to how many days they worked in a particular year. Their evidence is vague and is not corroborated by any documentary evidence. Hence, it cannot be accepted that they have worked for 240 days in a calendar year.

22. From the aforesaid narration, it appears that only 5 workmen, viz., Sandeep Kumar, Balveer Singh, Babulal, Amarpal Singh and Gauri Shankar had put in over 240 days of work in a calendar year preceding to their termination.

23. Contrary to it, on behalf of the railway, it has been contended that none of the workmen had worked 240 days in a calendar year. The management witnesses Ved Prakash, Chandra Kumar, Ramsuresh, Hanuman Prasad, M.M. Upadhyay have given the details of the working days in their depositions respectively. Apart it, two pleas have been adopted by the railway, firstly that the workmen, who are the Gangmen, were engaged for a specified period to carry out the specific job and on completion of the work their employment automatically came to an end. Thus, the non-applicants have endeavored to attract the provision under Section 2(oo)(bb) of the Act and since the beginning they have incorporated this plea in their pleadings. Secondly, that they voluntarily abandoned their jobs.

24. The management witness Ved Prakash has stated in his affidavit that these casual labourers were engaged for the railway work and it was made clear to them that they are employed for a specified job on casual basis and on completion of the work their services would be automatically terminated. Similar is the statement of the other management witnesses who have categorically stated that they were employed for a specified period Chandra Kumar, Permanent Way Inspector, has categorically stated that for casual work during the emergency the workmen were engaged for a fixed period and they were pointed out that on completion of the work their employment would come to an end. Thus, the stand adopted by the non-applicants is that these workmen were employed for a specified period to carry out the specified job on casual basis. It has also been averred that they

were engaged on the basis of the TLA which is issued by the higher authorities for the employment of the casual labourer for a fixed period. Undisputedly, all these workers are the Gangmen who were engaged as casual labourers to perform the job of putting the ballasts along with the sides of the railway tract, who were engaged under the Permanent Way Inspector, whose duties are to inspect the track and to maintain it. It, therefore, transpires from the record that the services of these workmen were availed by the railway for laying the railway track and to put the ballasts along with the sides of the railway track. Thus, it was a project work and on completion of the work their employment was discontinued.

25. The Id. representative for the railway in support of the submission that the workmen were engaged as casual labourers for a specified period has referred to the decision reported in 1999 (1) WLC Raj. 371 wherein the Hon'ble Court has observed that the tenure appointment in project which is not of a perennial nature is covered by Section 2(oo)(bb) of the Act.

26. The Id. representative for the non-applicants has invited my attention towards 1999 (1) WLC Raj. 394, the facts thereof are that the workman was appointed as Chowkidar on daily wages basis in the project in February, 1986 who continuously worked till 31-10-87 and whose appointment letters were issued extending the terms of appointment from time to time. On these facts, the Hon'ble Court has observed that if the work is not of perennial nature and the project is likely to be finished after some time, then it cannot be held that giving tenure postings amounts to unfair labour practice. The Hon'ble Court has further expressed the views as below :

"Similarly, in Himanshu Kumar Vidhyarthi and others Vs. State of Bihar and others, 1997 (4) SCC 391, it has been held that the provisions of retrenchment are not applicable in the cases of casual employees"

27. It, therefore, flows from the aforesaid facts that the claimants were employed for specific job and for specified period and their term of employment came to an automatic end on the expiry of the contractual term. Further, there is no evidence that the job for which they were employed was perennial in nature, whereas the non-applicants have categorically stated that the workmen were engaged to carry out the specific job for a fixed period. Thus, the instant controversy is covered by the excluding clause enunciated under Section 2(oo)(bb) of the Act. The facts of the referred to cases on behalf of the railway squarely cover the controversy at hand and the contention canvassed on behalf of the railway department is fortified from the decision supra. Besides the applicant-union has nowhere pleaded that the workmen were engaged against the vacant permanent posts of Gangmen and these posts even exist today.

28. The Id. representative for the union has reflected to the decisions AIR 1999 SC 355; RLW 1996 (3) Raj. 184; AIR 1986 SC 132 and AIR 1989 (1) Raj. 27 on this point, but they are not applicable to the present case having distinguishable features.

29. On concluding that the workmen were engaged for a specified term on the basis of the TLA to carry out the specified job and their employment came to an end in the expiry of contractual period, the stand taken by the railway that the workmen had voluntarily abandoned the job survives no more. For the aforesaid reasons, point No. 1 is decided against the applicant-union and point No. 2 is decided against the railway department.

Point No. III

30. The issue with regard to the violation of Section 25-F has been discussed under the aforesaid issues, which requires no repetition here.

31. With regard to the contravention of the provision under Section 25-H of the Act, no evidence could be led on behalf of the workmen to substantiate this issue which requires no discussion here. Therefore, the only point which arises for the consideration is as to whether at the time of terminating the services of the workmen the junior persons to them were retained in the department and whether the department has violated the rule 77 of the ID Rules, 1957 by not publishing the seniority list.

32. So far as the publication of the seniority list is concerned, the management witnesses have categorically denied in their testimony respectively that no seniority list or the casual labourers is being prepared by the department. As per the settled law, when it is denied on behalf of the management, then it is for the workmen to show that the seniority list was prepared. No iota of evidence could be adduced to this effect.

33. All the workmen at para 9 of their affidavits respectively have deposed that five persons, viz., Sispal, Bhwar Lal, Lila Ram, Umesh Chandra and Rameshwar, who were juniors to them were retained by the railway while terminating their services. The management witness Surendra Kumar at para 7 of his affidavit has deposed that Meena Lal Joshi, Dau Lal Ganga, Satya Lal Kiraru and Umashankar who have been shown as junior persons at para 9 of claim statement, were appointed pursuant to the letter of the General Manager dated 14-6-93 by exercising his own power. Apparently, these workmen appeared to have been appointed on regular basis and their appointment cannot be equated with the employment of the workmen on casual basis. Further, there is no evidence that the workmen in question were employed against the vacant posts.

34. In 2006 (I) SC 151, the Hon'ble Court has observed that the "last come first go" rule predicts that the workman retrenched belongs to a particular category and that there was no agreement to the contrary. In the present controversy, the persons appointed by the management seem to be regularly selected employees and their case is not on equal footing with the workmen. Therefore, their retention does not amount to be the violation of Section 25F of the Act. Besides, no other cogent evidence could be brought on the record on behalf of the applicant-union to substantiate this plea. As such, the union has failed to satisfy the Court that the requirements under Section 25-G of the Act were not complied with by the railway department. Accordingly, this point is decided against the applicant-union.

Point No. 3-A

35. This issue has not been pressed on behalf of the railway management.

Relief

36. For the foregoing reasons, the claimants are entitled to no relief and their claims espoused by the applicant-union deserve to be rejected.

37. In the result, the reference is answered in the negative against the applicant-union and it is held that terminating the services of 50 workers, named in the list annexed with the reference, is not in violation of the Sections 25-F, 25-G and 25-H of the Act. The workmen are entitled to no relief. An award is passed in these terms accordingly.

38. Let a copy of the award be sent to the Central Government for publication under Section 17(I) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 13 जुलाई, 2006

का.आ. 3132.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार धनलक्ष्मी बैंक लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पलाकाड़ के पंचाट [संदर्भ संख्या 60/2005(सी)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-07-2006 को प्राप्त हुआ था।

[सं. एल-12012/291/2004-आईआर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 13th July, 2006

S.O. 3132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 60/2005(C)] of the Industrial Tribunal, Palakkad now as shown in the Annexure in the Industrial Dispute between

the employers in relation to the management of Dhanalakshmi Bank Ltd. and their workman, which was received by the Central Government on 13-7-2006.

[No. L-12012/291/2004-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL, PALAKKAD

(Monday, the 19th June, 2006/29th Jyaishta, 1928)

Present :

Shri B. Ranjit Kumar
Industrial Tribunal
Industrial Dispute No. 60/2005(C)

Between

The Chairman, M/s. Dhanalakshmi Bank Ltd.,
Dhanalakshmi Building,
P.B. No. 9, Thrissur (TN) 680001.
(M/s. B.S. Krishnan Associates, Advocates, Cochin)

And

Sri. K. Chandran, "Pranavam", Thuyyam, Edappal,
Malappuram-681527.

(By Adv. Sreekumar Puthezhath)

AWARD

1. The Government of India vide Order No. L 12012/291/2004-IR (B-I) dated 20-8-2005 referred the following issues for adjudication:—

"Whether the dismissal of Sri. K. Chandran, Clerk of Edappal Branch of Dhanalakshmi Bank Ltd., by the management of M/s. Dhanalakshmi Bank is fair, proper and justified? If not, to what relief the workman is entitled to?"

2. The management and the workman filed their respective statements. However, when the matter was posted for the rejoiner of the workman, he remained absent, despite notice served on his counsel. In the circumstances he was declared *ex parte* on 20-5-2006 and the case was adjourned to 3-6-2006 for the evidence of the management. On that day, the management prayed for time and the case was adjourned to 17-6-2006. On these two days also, there was no representation for the workman. On 17-6-2006, the Managing Director and Chief Executive of the management-bank filed an affidavit dt. 15-6-2006 along with Ext. M1 copy of the enquiry file.

3. The workman would *inter alia* submit in his claim statement dated 14-11-2005 that he had not committed any misconduct as alleged against him and that the domestic enquiry held into the charges against him was without

affording him reasonable opportunities to defend his case. According to him, the domestic enquiry conducted was without due regard to the principles of natural justice and the findings of the Enquiry Officer are perverse. It is also alleged that the Enquiry Officer had previous amenity towards him and that the punishment awarded is shockingly disproportionate and that the order of dismissal is a case of victimisation. His prayer is for a direction to the management-bank to reinstate him in service with backwages and other benefits.

4. The management has refuted the above averment of the workman in its written statement dt. 16-1-2006. It is submitted by the management that the workman who was employed as a Clerk committed grave irregularities while working at Edappal Branch and hence he was placed under suspension pending investigation and enquiry. After preliminary enquiry and investigation, he was issued with charge memo on 26-9-2003 alleging forging signatures of several customers and unauthorised withdrawal from several accounts. The details of these misdeeds and fraudulent acts were narrated in the chargesheet itself. According to management, he did not submit explanations to the charge memo. Therefore, a domestic enquiry was conducted in full compliance with the principles of natural justice in which he did not appear and hence he was declared *ex-parte*. The management would further submit that after proper appreciation of the evidence in the enquiry, the Enquiry Officer submitted his report finding the workman guilty of the charges levelled against him and a copy of the enquiry report was furnished to him for submitting his representation if any on the findings of the Enquiry Officer. On the request of the workman, he was granted further time for submitting a written submission. The disciplinary authority considered the report, materials on record and submissions made by the workman and found that the domestic enquiry was conducted in full compliance with principles of natural justice and found no reason to interfere with the findings of the Enquiry Officer. Therefore, the disciplinary authority concerned the findings of the Enquiry Officer. The workman was given opportunity of hearing by the disciplinary authority with regard to the proposed punishment and considering the gravity of the proved misconduct and his bad antecedents, the disciplinary authority by order dated 11-6-2004 imposed the punishment of dismissal from the service. It is further submitted by the management that the workman was informed of his right prefer an appeal before the appellate authority, but he did not file any appeal. According to management, the misconducts committed by the workman and proved in the domestic enquiry are very grave and his past service records are also not clean. He was placed under suspension twice for unauthorised disclosure of information regarding the

affairs of the bank. He wrote a note in weekly magazine making false allegations against the bank. He was placed under suspension for unauthorisedly taking possession of cheque leaves from the bank and issuing to the parties without sufficient balance in the account resulting return of cheque unpaid. According to management, on both the occasions the charges were proved in the domestic enquiries and he was awarded with punishment. According to management, in the present case, while he was placed under suspension pending enquiry, he submitted a letter dated 19-1-02 to the management admitting that he did manipulations in several accounts aggregating about Rs. 20 lakhs and expressed regret for the same. He had also given an undertaking to the management to remit back the amount at the earliest and in fact he has remitted an amount of Rs. 5.05 lakhs. In the circumstance, the management would submit that the management lost confidence in him and the punishment of dismissal is legal proper and justified.

4. The above averments of the management are supported by Ext. M1 copy of enquiry file and the affidavit dated 15-6-06. In the absence of any rebuttal evidence adduced by the workman. There is no other alternative, but to accept the averments of the management and pass an award accordingly. The misconducts proved against the workman are misappropriation, falsification of records etc. A financial institution like the management bank where integrity, honesty and devotion to duty are of paramount importance, cannot repose any confidence in such an employee. In the circumstances, it will not be appropriate to interfere with the punishment of dismissal and grant any relief to the workman.

5. An award is, therefore, passed holding that the dismissal of Sri K. Chandran, Clerk of Edappal Branch of Dhanalakshmi Bank Ltd. is fair, proper and justified and he is not entitled to any relief. The reference order is answered accordingly.

Dated this the 19th day of June, 2006.

B. RANJIT KUMAR, Industrial Tribunal

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3133.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 819/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-07-2006 को प्राप्त हुआ था।

[सं. एल-12012/284/2003-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3133.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 819/2005) of the Central Government Industrial Tribunal/Labour Court No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on 14-7-2006.

[No. L-12012/284/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II, CHANDIGARH.**

Presiding Officer : Shri Kuldip Singh

Case No. ID No. 819/2k5

Registered on 8/9/2005

Date of Decision 5-6-2006

**Smt. Sudesh C/o. Sh. J.G. Verma, General Secretary,
SBI Staff Congress, H. No. 3030-1, Sector-44-D,
Chandigarh.**

.....Petitioner

Versus

**Ministry of Finance (Deptt. of Economic Affairs),
Banking Division, Jeevan Deep Building, Sansad Marg,
New Delhi**

....Respondent

APPEARANCE:

For the Workman : J. G. Verma
For the Management : Mr. N. K.
Zakhmi, Advocate

AWARD

The workman is not present, Management appears through Counsel.

The notice issued to the workman has been received back with the report that Sh. J. G. Verma C/o the workman had shown to be available has left for abroad. On record there is no other address on which the workman can be served. It is also worth note that although Sh. J. G. Verma appeared for the workman, but he did not file the statement of claim of the workman. In response to the notice from the Labour Ministry of the workman has not shown to have complied with the directions. Therefore this Tribunal is at loss to know the case of the workman. In the circumstances it cannot be ascertained whether the workman Sudesh had worked for the Management as a part time sweeper w.e.f. 31st Jan, 2003 and that the

management in terminating her services violated the provisions of Sec. 25-F, G & H of the Industrial Dispute Act. In the absence of any evidence it cannot be said that the workman is entitled to any relief. On these grounds the reference is answered. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to record after due completion.

KULDEEP SINGH, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3134.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय I, धनबाद के पंचाट (संदर्भ संख्या 34/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-2006 को प्राप्त हुआ था।

[सं. एल-20012/277/2002-आईआर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 14th July, 2006

S.O. 3134.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No.34/2004) of the Central Government Industrial Tribunal/Labour Court-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MECL and their workman, which was received by the Central Government on 13-7-2006.

[No. L-20012/277/2002-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

**In the matter of a reference U/s 10(1)(d)(2A) of the
Industrial Disputes Act, 1947**

Reference No. 34 of 2004

PARTIES: Employers in relation to the management of
M/s. Mineral Exploration Corporation Ltd.

AND

Their Workmen

PRESENT: SHRI SARJU PRASAD, Presiding Officer

APPEARANCES:

For the Employers : Shri D. K. Verma, Advocate
For the Workman : Shri R. C. Sinha, Advocate
State : Jharkhand Industry : Coal

Dated, the 23rd June, 2006

AWARD

By Order No. L-20012/27/2002-IR (C-I) dated 15-4-2004 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of Sri Surendra Pal Singh S/o Sri Balbir Singh from the management of MECL RCS Project, Dugda Coal Washery for reinstatement with full back wages is legal and justified? If so, what relief the workman concerned is entitled to?"

2. The case of the concerned workman is that he was appointed to the post of Sampling Assistant at Raw Coal Sampling Project of M/s. Mineral Exploration Corporation Ltd. (in short hereinafter to be referred as MECL) South Balihari, after an interview by Maintenance Centre of M/s. MECL, Tupunda, Hatia, Ranchi, on 30-7-98 considering his qualification, experience and suitability to work as a Sampling Assistant in and for M/s. MECL a Government of India Enterprises. His name was sponsored by the Assistant Director (Employment), Bokaro Steel City. The concerned workman was working as Sampling Assistant in M/s. MECL w.e.f. 1-4-99. According to him the job of Sampling Assistant of permanent and perennial nature and sampling analysis is a continuous process which goes on. He was working for the business of M/s. MECL and was rendering service for the benefit of M/s. MECL who had economic control over the payment of salary. M/s. MECL was the authority to grant leave, to transfer, to provide medical facility, to provide residential accommodation, to take disciplinary action and as such a relationship of workman and employer was between the concerned workman and M/s. MECL. The concerned workman had worked satisfactorily and uninterruptedly without any break at Dugda Coal Washery as Sampling Assistant w.e.f. 1-4-99 and all on a sudden he was stopped from duty w.e.f. 30-9-2001 without any notice or disciplinary enquiry in gross violation of industrial jurisprudence and sec. 23-F of the ID Act. Further, according to the concerned workman, he was given a permanent Provident Fund A/c. No. BR/P/13521/40. According to him, on 16-3-2000 the concerned workman for no fault of his own was subjected to victimizations owing to some internal management conflict in interest although on 16-3-2000 the concerned workman was very much on the work place and one Y.B. Choudhary had gone to take medicine but the concerned workman was also asked to explain to which he replied but without any enquiry

the concerned workman has been removed from services w.e.f. 30-9-2001 which is highly discriminatory, illegal and arbitrary. In the circumstances mentioned above the concerned workman, Surendra Pal Singh, has prayed for reinstatement in service of M/s. MECL with all back wages and consequential relief w.e.f. 30-9-2001.

3. The case of the management, on the other hand, is that the concerned workman was never appointed by M/s. MECL and as such, there was no relationship of employer and employee between them. According to the management of M/s. MECL no doubt, the name of the concerned workman alongwith others were sponsored by Employment Exchange, Bokaro Thermal Power and on that basis there was an interview on 30-7-98 but the concerned workman was not found fit. Only ten persons were selected and the Employment Exchange was intimated. In the list of selected candidates the name of the concerned workman, Surendra Pal Singh, does not find place. Further according to the management, the work of Sampling of coal assigned to M/s. MECL by M/s. BCC Ltd., a Coal Company and M/s. SAIL, a coal user. According to the management M/s. MECL has no work of coal sampling on its own. The job of coal sampling was undertaken as awarded by the client on contract basis. Hence the work is not of continuous and personnel nature and M/s. MECL has to wind up the Coal Sampling Project soon on completion of the work awarded by the Coal Producer/user Organisation. M/s. MECL had entered into a specific contract on 31-3-99 which was extended from time to time upto 30-9-2001 with M/s. Bhayanak Security Agency for supplying technical and specialised manpower for carrying out various sampling/chemical analytical job as M/s. MECL was not having specialised manpower since the work of coal sampling was undertaken for the first time. The concerned workman was engaged by M/s. Bhayanak Security Agency and was deployed at Corporation's establishment alongwith other persons to fulfil the contract for supplying manpower. Clause 12 of the aforesaid contract clearly stipulated that there would not be any employer and employee relationship between the management of M.E.C.L. and the persons deployed by M/s. Bhayanak Security Agency. The engagement of the concerned workman by M/s. Bhayanak Security Agency is clear from the copy of the bill of M/s. Bhayanak Security Agency, E.P.F. deduction and deposit by M/s. Bhayanak Security Agency. The contract of M/s. Bhayanak Security Agency came to an end on 30-9-2001. According to the management, the concerned workman was never victimised nor the management had adopted any unfair labour practice. The management has not taken any disciplinary action against the concerned workman nor it has dismissed or removed him w.e.f. 30-9-2001. Therefore, the concerned workman is not entitled to any relief.

4. On the basis of pleadings of the parties following points are to be decided to submit an award :—

- (i) Whether the concerned workman was appointed by M/s. M.E.C.L. as alleged by him?
- (ii) Whether the concerned workman was appointed by M/s. Bhayanak Security Agency and his service came to an end with effect from completion of the contract awarded to M/s. Bhayanak Security Agency?
- (iii) Is the concerned workman, Surendra Pal Singh, entitled to any relief? If so, to what relief?

FINDINGS

5. Point Nos. 1 and No. 2.—Since both the points are inter-related these points are taken together. The concerned workman in its written statement-cum-statement of claim has stated that the concerned workman was appointed by M/s. M.E.C.L. and he was given an appointment letter too by M/s. M.E.C.L. but he has not produced any letter of appointment. According to him, his name was sponsored by the employment exchange and he was interviewed on 30-7-98 which fact is also admitted by the management. But the management has clearly stated that the concerned workman was not found fit for appointment and the list of selected candidates were sent to the Employment Exchange in which there was name of ten candidates who were selected for the post of Sampling/Technical Assistants, but that list does not find place the name of the concerned workman. The list is Ext. M-3. The concerned workman in his cross-examination has admitted that he has filed an application (Ext. M-1) before the Asstt. Labour Commissioner (Central), Dhanbad alongwith annexures, Exts. M-2 to M-2/5 duly attested by him. From Exts. M-1 and M-2 series which are documents filed by the concerned workman go to show that the concerned workman was appointed by M/s. Bhayanak Security Agency. The letter of appointment is Ext. M-2 and annexure to the letter of appointment Ext. M-2/1 which bears the signature of the concerned workman accepting the terms and conditions of M/s. Bhayanak Security Agency. Thus, Exts. M-2 and M-2/1 which were filed by the concerned workman himself go to prove that the concerned workman was appointed as sampling Assistant by M/s. Bhayanak Security Agency by appointment letter dated 30-3-99. The concerned workman has also filed before the Asstt. Labour Commissioner Ext. M-2/3 which is a notice by M/s. Bhayanak Security Agency to the concerned workman intimating that contract of M/s. Bhayanak Security Agency was going to expire w.e.f. 30-9-2001, so he was advised to fill up application for Employees Provident Fund Forms. The concerned workman has filed statement of Employees Pension

Scheme which have been marked Ext. M-2/4 and M-2/5 from which it appears that employees provident funds were deducted from his wages and was deposited by M/s. Bhayanak Security Agency along with employee's share at the rate of 12%. He has also annexed a service certificate granted by M/s. Bhayanak Security Agency, Ext M2/2, certifying that he has worked from 1-4-99 to 30-9-2001 as sampling Assistant on consolidated salary. The job was entrusted to M/s. Bhayanak Security Agency by M/s. M. E. C. L. and was sponsored by D. G. R. Govt. of India, Ministry of Defence. These all documents prove that the concerned workman was appointed by M/s. Bhayanak Security Agency and his employment automatically terminated with the completion of the contract period to M/s. Bhayanak Security Agency. These are all documents of the concerned workman. Therefore from the own documents of the concerned workman it is proved that he was appointed by M/s. Bhayanak Security Agency on a temporary job which was automatically terminated on completion of contract. It further appears that one month prior to the termination of service he was given due notice by M/s. Bhayanak Security Agency to fill up E. P. F. Forms and collect all his dues. Therefore, the claim of the concerned workman that he was appointed by M/s. M. E. C. L. is nothing but a blatant lie.

6. The management in order to prove that the contract work was assigned to M/s. Bhayanak Security Agency has produced the letter of the Ministry of Defence, Ext. M-4 sponsoring M/s. Bhayanak Security Agency for giving him contract job. The acceptance of the work by M/s. Bhayanak Security Agency is Ext. M-5. Ext. M-6 is the terms and conditions agreed upon for doing the contract job. Ext. M-7 is the letter regarding reimbursement of E.P.F. to all the employees of M/s. Bhayanak Security Agency alongwith the list of employees, their account numbers. The name of the concerned workman finds place in serial No. 40 of the list. Ext. M-8 is the bill submitted by M/s. Bhayanak Security Agency and also the amount of Employees Provident Fund deducted from the employees and deposited along with the share of the employer and the challan by which the amount was deposited. Ext. M-9 Register of wages of M/s. Bhayanak Security Agency. Thus, from the documents of the management it is crystal clear that a contract work was assigned to M/s. Bhayanak Security Agency for supply of manpower for security and allied jobs on 1-4-99 which came to an end on 30-9-2001 and the concerned workman was employed by M/s. Bhayanak Security Agency.

7. The witness MW-1 Swadesh Kumar Gupta for the management has supported the claim of the management.

8. The workman has filed only two documents which are Ext. W-1 and W-2. Ext. W-1 is office memo calling for explanation from sampling supervisors who were absent from duty on 16-5-2000 when Shri R. Tiwari, Asstt. Manager, CCSO/Sail visited Dugda Coal Washery. It was not specifically issued to the concerned workman, rather the office memo shows that sampling supervisors on duty were absent and they were to explain. Ext. W-2 is the reply submitted by the concerned workman, but it appears that it was received by none and there is no proof at all to show that the reply was at all submitted by the concerned workman to the management of M/s. M.E.C.L. These two documents in presence of so many documents to show that the concerned workman was appointed by M/s. Bhayanak Security Agency and his job came to an end with the completion of the contract do not prove that he was appointed by the management of M/s. M.E.C.L. Although in his written statement-cum-claim statement he has submitted that the management had issued him an appointment letter, but for the reasons best known to him he has not filed that original letter of appointment in this reference case. This also falsifies his claim.

9. From the discussion made above, I come to the conclusion that the concerned workman was never appointed by M/s. M.E.C.L. On the other hand, he was appointed by M/s. Bhayanak Security Agency and his engagement came to an end with the completion of the contract and for that he was already served with a notice one month prior to the completion of the contract by M/s. Bhayanak Security Agency and he was also given a certificate for employment by M/s. Bhayanak Security Agency. Accordingly I hold that the concerned workman was never appointed by the management of M/s. M.E.C.L.

10. Point No. 3—From the discussions made above, I find that the concerned workman was never appointed by M/s. M.E.C.L. Therefore, his demand for reinstatement with all the back wages and consequential relief w.e.f. 30-9-2001 in the employment of M/s. M.E.C.L. is not at all justified.

11. Accordingly, I render following award :

The demand of the concerned workman, Surendra Pal Singh, for his reinstatement in service of M/s. M.E.C.L., R.C.S. Project, Dugda Coal Washery, is not at all justified and he is not entitled to any relief.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान परमाणु बिजली घर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 94/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/253/2004-आईआर (सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 94/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the management of Rajasthan Parmanu Bijli Ghar, and their workmen, which was received by the Central Government on 14-7-2006.

[No. L-42012/253/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT -94/2005.

Reference No. L-42012/253/2004 -IR(CM-II)

The Secretary,
Parmanu Vidyut Karamchari Union (CITU),
Phase- II,
Rawatbhata (Kota)Applicant union

Versus

The Managing Director (Central),
Rajasthan Parmanu Bijli Ghar,
PO Anushakti,
Rawatbhata (Kota)Non-applicant

Present:

Presiding Officer : Sh. R.C. Sharma.
For the applicant union : Sh. Suresh Kashyap
For the non-applicants : Sh. Dharmendra Jain.
Date of award : 22-6-2006

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :—

“क्या प्रबन्धन केन्द्र निदेशक, राजस्थान परमाणु बिजली घर, रावतभाटा द्वारा कर्मकार श्री जी.आर.मीणा को वर्ष नवम्बर 1991 में कार्यदक्ष एफ के पद पर तथा वर्ष नवम्बर 1996 में कार्यदक्ष जी के पद

पर पदोन्नति नहीं करने की कार्यवाही वैध एवं युक्तिसंगत व उचित है? यदि नहीं तो, कर्मकार किस अनुतोष का हकदार है?

2. The applicant union has pleaded in its claim statement that the workman G.R Meena is working as Tradesman (for short, 'TM') 'G' w.e.f. 1977, who was illegally suspended on 27-1-1995 and was exonerated of charges on the conclusion of the enquiry on 31-3-1998 and was treated to be on duty during his suspension period, despite it he was not given the promotion w.e.f. November, 1996. He has also stated that he was entitled to be promoted from November 1991 as TM F but he was promoted w.e.f. November 1992. He has pointed out that his promotion to the post of TM G was due in the year 1996, but he was promoted w.e.f. year 1999. It has also been stated that he belongs to the SC/ST category and on this count he is entitled for one year relaxation in the normal 5 years eligibility criteria of promotion.

3. Countering his claim, the non-applicant in his written statement has stated that the workman was promoted as TM E w.e.f. 1-11-1986, who was considered for the next promotion of TM F in year 1992, but a criminal case was pending against him and, therefore, as per the relevant rules the recommendations of the DPC were put in the sealed covered envelope and on 12-12-2002 when the workman was acquitted by the court, then the sealed envelope was opened and he was promoted w.e.f. 1-11-1992 as TM F. It has further been pointed out that in the year 1991 the workman's CR grading was not upto the benchmark and he was found ineligible for the promotion by DPC. It has also been stated that on 27-1-1992 the workman was suspended and was chargesheeted but on conclusion of the enquiry he was exonerated by the order dated 11-4-1998 and he was treated to be on duty during his suspension period and he was promoted to the post of the TMG w.e.f. 1-11-2001.

4. In the evidence, the workman has submitted his affidavit, whereas in the rebuttal, the counter-affidavit of MW-I Sh.A. Vilayudhan, the Senior Manager has been placed on the record. Both these witnesses were cross-examined by the respective opposite representative.

5. Both the parties have submitted the written submissions before me which I have carefully gone through and have scanned the record.

6. On behalf of the workman it has been contended that the workman was entitled for the promotion to the post of TM F w.e.f. November 1991 and as TM G w.e.f. November 1999, but he was promoted as TM F w.e.f. 1-11-1992 and in the year 2001 he was promoted as TMG.

7. Contrary to it, the non-applicant has submitted that in the year 1992 a criminal case was pending against the workman and on his being acquitted, on the basis of

the recommendations of DPC he was promoted from 1-11-1992 as TM F. It has also been contended that in the year 1991 his CR grading was not upto the benchmark. It has then been contended that in the year 1997 his CR grading was not upto the benchmark and was placed under suspension from 27-1-92 to 11-4-98 and, therefore, he was not eligible in the zone of consideration to the post of TM G.

8. MW-I A. Vilayudhan has stated in his cross-examination that the workman was promoted as TM G in the year 1999 instead of 1996 on the count that he was not covered under the zone of consideration for the promotion. He has further stated that the CR grading of the workman was not upto the mark and he was not promoted, but has admitted that no document has been submitted in support of this plea.

9. So far as the workman's promotion to the post of TM F is considered, it is undisputed that he was eligible for this promotion in the year 1991, but was promoted w.e.f. 1-11-1992. It has been contended that in the year 1991 his CR grading was not upto the mark and in the year 1992 a criminal case was pending against him wherein he was acquitted and on his acquittal the sealed covered envelope was opened and as per the recommendations of the DPC he was promoted as TM F. But, there is nothing on the record to suggest that the adverse CR of the workman was conveyed to him. Further, there is no iota of evidence to explain as to why he was not promoted w.e.f. November, 1991 while the DPC had found him fit for promotion to the post of TM F in its recommendations. As such, the workman was entitled to be considered for promotion as TM F w.e.f. November, 1991. Hence, the submission advanced on behalf of the non-applicant cannot be maintained.

10. Coming to the next question as to the promotion to the post of TM G, it has been shown that the workman was suspended and was facing the chargesheet in between the period 27-1-1992 to 11-4-1998 and in the year 1997 his CR grading was not upto the benchmark. But it has nowhere been disclosed that his adverse ACR was conveyed to him. When the workman was eligible for the promotion to the post of TM G w.e.f. November 1996, then why the recommendations of the DPC were not put in the sealed covered envelope has also not been explained. Undisputedly, he was exonerated of the charges levelled against him and, therefore, he was entitled to be considered for the said promotion. As such, on this count, too, the non-applicant has failed to assign any good reason for not promoting the workman as TM G from November 1996.

11. For the foregoing reasons, the workman is entitled to be considered for promotion as TM F from the month of November 1991 and as TM G w.e.f. the month of November, 1996.

12. In the result, the reference is answered affirmatively in favour of the applicant union and it is held that the workman is entitled to be considered for promotion to the post of Tradesman F from the month of November 1991 and for the post of Tradesman G from the month of November 1996. It is further held that the action taken by the non applicant management in not promoting him to these posts in this manner is unjustified and illegal. The non-applicant management is hereby directed to consider him for the aforesaid promotions within a period of 3 months since the date of notification of this award. An award is passed in these terms accordingly.

13. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान परमाणु बिजली घर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 93/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/254/2004-आईआर (सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 93/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the management of Rajasthan Parmanu Bijli Ghar, and their workmen, received by the Central Government on 14-7-2006.

[No. L-42012/254/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-93/2005

Reference No. L-42012/254/2004-IR(CM-II)

The Secretary,
Parmanu Vidyut Karamchari Union (CITU),
Phase- II, Rawatbhata (Kota)Applicant union

Versus

The Managing Director (Central),
Rajasthan Parmanu Bijli Ghar, PO Anushakti,
Rawatbhata (Kota)Non-applicant

Present :

Presiding Officer : Sh. R.C. Sharma.
For the applicant union : Sh. Suresh Kashyap.
For the non-applicants : Sh. Dharmendra Jain.
Date of award : 22-6-2006

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under:

“क्या प्रबन्धन केन्द्र निदेशक, राजस्थान परमाणु बिजली घर, रावतभाटा द्वारा कर्मकार श्री जी.आर.मीणा को उनके निलंबनकाल की अवधि में देय वर्दी व धुलाई भत्ते का भुगतान नहीं करने की कार्यवाही वैध एवं युक्तिसंगत व उचित है? यदि नहीं तो, कर्मकार किस अनुतोष का हकदार है?

2. The applicant union has pleaded in its claim statement that the workman G.R. Meena is working as Tradesman G w.e.f. 27-1-1977 under the non-applicant establishment, who was suspended on 27-1-1992, and was subsequently exonerated and was treated to be on duty during his suspension period between 27-1-1992 to 31-3-1998, but the dress allowance and washing allowance of this period have not been given to him, which were given to one G.L. Verma, Tradesman G on similar facts. He has, therefore, urged that the dress and washing allowances during the period of his suspension be also paid to him.

3. The non-applicant has disputed his claim by stating that vide order dated 4-12-1997 of the Government of India, the employee is not entitled for these allowances during the period of suspension.

4. In the evidence, the workman has submitted his affidavit and in the rebuttal, the counter-affidavit of MWI Sh.A. Vilayudhan, the Senior Manager has been placed on the record. Both these witnesses were cross-examined by the respective opposite representative.

5. I have heard both the parties and have scanned the record.

6. The ld. representative for the union contends that the workman was exonerated in the enquiry, who was reinstated and his suspension period was treated as duty. Therefore the facilities of dress and washing allowances

during the suspension period should also be allowed to him. He has cited the example of GL Verma, who was kept under suspension and on being exonerated he was given the same allowances of the suspension period.

7. Countering these submissions, the Id. representative for the non-applicant submits that the workman had not actually worked during the period of suspension and the circular issued by Government of India has excluded such facilities during the suspension period. He has further stated that such allowances were not paid to GL Verma of his suspension period.

8. I have considered the rival contentions.

9. Undisputedly, the workman was placed under suspension between the period 27-1-1992 to 31-3-1998 and while exonerating him by the order Ex. W-1 his suspension period was treated as duty. The workman raised his grievance through his letters Ex. W-2 and Ex. W-3 before the authorities, which was rejected on the ground that the issue of liveries and payment of washing allowance is not admissible to him as he was not actually on duty.

10. As per the office memorandum No. 23/9/70-JCA dated 4-12-1973 "all items of uniforms should be withdrawn from Group 'C' and Group 'D' employees who are under suspension. Uniforms may again be supplied to them if and when they are reinstated in service and that period of suspension should be excluded in determining the date of entitlement for next issue."

11. In view of the decision taken under this order, the workman is not entitled to get the dress and washing allowances of the period of his suspension.

12. The workman has also alleged that discrimination was categorized against him on the ground that such allowances were granted to one GL Verma during his suspension period, who was subsequently exonerated. This fact has been denied on behalf of the non-applicant and the workman has admitted that no such order he could place on the record in support of his plea. As such, this plea cannot be accepted.

13. For the foregoing reasons, the workman is entitled to no relief.

14. In the result, the reference is answered in the negative against the applicant union and it is held that the action taken by the non-applicant management in not giving the dress and washing allowances to the workman GR Meena during his suspension period is valid and justified. The workman is entitled to no relief. An award is passed in these terms accordingly.

15. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. पी. सी. आई. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध के अंतर्गत औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 97/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/203/2004-आईआर (सी एम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 97/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the management of NPCIL, and their workman, which was received by the Central Government on 14-7-2006.

[No. L-42012/203/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-97/2005.

Reference No. L-42012/203/2004-IR(CM-II)

The Secretary,

Parmanu Vidyut Karamchari Union (CITU),

Union Office, Phase- II,

Rawatbhata (Kota)

.....Applicant union

Versus

The Cite Director RAPS I to 4,

NPCIL,

PO Anushakti,

Rawatbhata,

Kota (Raj)

.....Non-applicant

Present:

Presiding Officer: Sh. R.C. Sharma.

For the applicant union : Sh. Suresh Kashyap.

For the non-applicants : Sh. Dharmendra Jain.

Date of award : 22-6-2006

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-Sections 1 & 2(A) to

Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under:

"Whether the action of the management of RAPS 1 to 4 through Site Director, RAPS, NPCIL, Rawatbhata in not giving promotion to Sh. M. R. Maratha, JRA-II taking into consideration of the period of ad-hoc promotion is legal and justified? If not, to what relief the workman is entitled to and from which date?"

2. The applicant union has pleaded in its claim statement that the workman MR Maratha was appointed as LDC on 3-12-1973, who was promoted to the post of UDC on ad hoc basis from June 1990 and his pay was also fixed in the pay scale of UDC w.e.f. 1990. He continuously worked for a period of 4 years without any break as UDC, but this period was not included in his promotion and he could not get other promotions on time due to him. He has urged that his alleged period of 4 years be included for his promotion.

3. The non-applicant disputing the workman's claim has stated that by the order dated 17-3-1992 the workman was appointed as UDC w.e.f. 12-6-1990 on ad hoc basis and it was clearly mentioned that this period would not be counted in his seniority. His pay was fixed as Rs. 1320 in the pay scale of Rs. 1200-30-1560 and he was regularly promoted as UDC from 28-2-1994. It has further been stated that under the Upgradation Promotion Scheme the ad hoc service is not counted for seniority-cum-fitness.

4. In the evidence, the applicant union has submitted the affidavit of WW-1 MR Maratha and on behalf of the non-applicant the counter affidavit of MW -1 A Vilayudhan had been placed on the record. Both these witnesses were cross-examined by the respective opposite representative.

5. Both the parties have submitted their written statement and I have scanned the record.

6. The Ld. representative for the union has submitted that the workman had continuously worked for a period of 4 years on his ad hoc promotion to the post of UDC but subsequently this period was not included in his seniority.

7. On the other hand, the Ld. representative for the non-applicant has contended that by the order dated 12-6-1990 the workman was appointed on ad hoc basis on the post of the UDC and the condition was mentioned therein that this period would not be included for his seniority. His next contention is that the period of ad hoc promotion cannot be considered for seniority-cum-fitness promotion under the Upgradation Promotion Scheme. The Ld. representative has referred to 2006 SCC (L&S) 89 and 2006 SCC (L&S) 92 in support of his claim.

8. I have considered the rival contentions:

9. It is revealed from the record that vide order dated 17-3-1992 (Ex. W-1) the workman was appointed as UDC on ad hoc basis w.e.f. 12-6-1990. The condition was laid down therein that the period of working in such capacity would not be counted inter alia for the seniority. In the order Ex. W-2 dated 10-6-94 it has been stated that "the pay in respect of Shri MR Maratha on his promotion as UDC w.e.f. 12-6-1990 has been referred in the pay scale of Rs. 1200-30-1560-EB-40-2040. It shows that he was appointed as UDC w.e.f. 12-6-1990. It has been stated on behalf of the union that the workman was promoted by this order, but his ad hoc period of 4 years was not counted in the seniority. Vide order dated 17-5-1994, Ex. W-3, the workman was appointed as UDC in a temporary capacity w.e.f. 28.2.1994. It appears that the workman was promoted as UDC by this order.

10. These orders issued by the management clearly indicate that the workman was promoted to the post of UDC on ad hoc basis w.e.f. 12-6-1990 and his pay was accordingly fixed in the admissible pay scale.

11. On behalf of the non-applicant the fax message, annexure-2 has been referred to which has been issued by the Senior Manager (HR-C) stating that the ad hoc service referred by the employees in the higher scale shall not be counted for seniority in the grade and for promotion. But on the strength of the documents Ex. W-1, Ex. W-2 and Ex. W-3, it is obvious that the workman was appointed to the post of the UDC on ad hoc basis and he was accordingly drawing the pay scale. On these counts, the condition incorporated in Ex. W-1 that this period would not be counted for the seniority becomes null and void.

12. The Ld. representative for the non-applicant has placed his reliance on 2006 SCC (L&S) 89 and 2006 SCC (L&S) 92, but the facts thereof are not applicable to the present controversy since therein the applicants respectively had claimed the regularisation on the basis of their ad hoc promotion.

13. For the foregoing reasons, the workman's claim espoused by the union deserves to be accepted.

14. In the result, the reference is answered in the affirmative and it is held that the action of the non-applicant management in not giving promotion to the workman taking into consideration of the period of ad hoc promotion is illegal and unjustified. The workman is entitled to get his seniority from 12-6-1990 when he was appointed as UDC on ad hoc basis. An award is passed in these terms accordingly.

15. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ 3138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सांगली बैंक लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पुणे के पंचाट (संदर्भ संख्या 26/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/98/2004-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 26/2004) of the Industrial Tribunal Pune, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sangli Bank Ltd. and their workman, which was received by the Central Government on 14-7-2006.

[No. L-12012/98/2004-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI V. V. VYAVAHARE, INDUS-
TRIAL TRIBUNAL AT PUNE

REFERENCE. (IT) NO. 26/2004.

BETWEEN:

The Sangli Bank Ltd.,
(Scheduled bank),
Head Office,
Rajwada Chowk,
Sangli-416416,
Maharashtra State

.....First Party

AND

Shri. Balu B. Nirwane,
R/at : Saradwadi,
Post : Shirur (Ghodnadi),
Taluka : Shirur,
District : Pune.

.....Second Party

In the matter of

Reference-regarding the action of the management of Sangli Bank Ltd., in dismissing Shri. Balu B. Nirwane, Peon Malthan Branch of Sangli Bank Ltd. w.e.f. 26-02-2001 on the alleged charges of misconduct levelled against him vide chargesheet dt. 27-7-2000 is legal and justified? If not, to what relief the concerned workman is entitled to ?"

Coram

S.S. Vyavahare, Industrial Tribunal, Pune.

APPEARANCES :

Shri. Gumaste, Advocate, for the First Party.

Shri. Deshmukh, Advocate for the Second Party.

AWARD

1. In exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section 2A of Section 10 of Industrial Disputes Act, 1947, the Conciliation Officer of the Central Govt. has referred the following dispute to the undersigned for adjudication:

"Whether the action of the management of Sangli Bank Ltd. in dismissing Sh. Balu Baburao Nirwane, Peon, Malthan Branch of Sangli Bank Ltd. w.e.f. 26-2-2001 on the alleged Charges of misconduct levelled against him vide chargesheet dt. 27-7-2000 is legal and justified? If not, to what relief the concerned workman is entitled to?"

2. After the receipt of the reference, the notices were issued to First Party and Second Party. The Second Party has submitted his Statement of Claim at Exh. U-4; whereas First Party has filed written Statement at Exh. C-5. It is the contention of Second Party that, he was in the employment of the First Party as a Peon and has completed 17 years continuous service. Lastly, the Second Party was serving at Malthan Branch of the First Party.

3. The First Party is a Schedule Bank. On 27-7-2000 the Second Party was served with a chargesheet on the ground that, the amount of deposit submitted to the Second Party by the Account holders were not deposited by the Second Party in the respective saving account of the account holders and carried out false entry in the pass book of account holders. It is also alleged against the Second Party that, he has misappropriated the amount of account holders. The reply submitted by the Second Party was not accepted and domestic enquiry was initiated against the Second Party. The Enquiry Officer after conducting Domestic enquiry against the Second Party, held Second Party guilty for the misconduct levelled against him. The Enquiry Officer submitted his report to the First Party on the basis of which the first party has issued dismissal order on 30-5-2001. The appeal against the punishment of dismissal preferred by the Second party came to be dismissed. The Second Party has challenged his dismissal order as an illegal act on the part of the First Party. The Second Party referred the dispute to the Conciliation Officer where the conciliation ended in failure and therefore, the Conciliation Officer has referred the dispute to the Industrial Court.

4. It is the contention of the Second Party that the enquiry conducted against him was nothing but a farce and opportunity was not given to him to appoint defence representative. According to the Second Party, the amount of Rs. 17,500/- entrusted to him by Shri. Rebhaji B. Kundalik, Karbhari Sarode, Namdeo B. Sarode, P.B. Vaghmare was remained by him because of financial difficulty he had. However, as per the request of these persons, in order to give acknowledgement of the amount received from those persons, with the consent of Account Holders' he carried

out entry in their saving pass book. It is also submitted that, the above referred account holders have received their respective deposits amount and as such, the Second Party has no replace intention to misappropriate the amount. Even then the Enquiry Officer has made him scope got by holding him guilty. The Second Party claimed that, he belongs to backward class muchless he is the only earning member of his family and therefore, the punishment of dismissal awarded to him is shockingly disproportionate. The Second party therefore, prays for reinstatement with continuity of service and backwages.

5. The First party has resisted his claim by its written statement at Exhibit C-3, wherein it is contended that, the claim of the Second Party is false, frivolous and not based on true facts. While admitting the status of the First Party as schedule Bank, the first party also admits the status of Second Party as an employee of the First party as well as the dismissal order of the Second Party dt. 30-5-2001. According to the First Party, since the date of dismissal, the relationship of employer and employee between First party and Second Party comes to an end. While justifying the dismissal order of the Second party dt. 30-5-2001 the First party submitted that, only after deducting the domestic enquiry against the Second party as the second Party was found guilty for the misconduct levelled against him, the dismissal order came to be passed. According to the First Party, the Second Party has collected Rs. 17,500. from Shri. S.L. Kundalik, Karbhari Sarode, N.B. Sarode, P.B. Vaghmare for depositing the same in their respective saving account. The Second Party did so without having any authority to collect the amount from account holders. Without depositing the amount in the saving account of the above referred account holders, the Second Party carried out entry in the saving account of the account holders. The alleged act on the part of Second Party amounts to grave misconduct and therefore; the chargesheet was issued to the Second Party. The First Party categorically denies that, the above referred 4 account holders have no complaint against the Second Party. The first Party also denies that, the statement of above referred bank holders were recorded by Shri. Pande with prejudice intention. According to the First Party, on the complaint received by above referred four holders, the enquiry was carried out by Bank Officer—

Shri Pande and only when misconduct on the part of Second Party was noticed, chargesheet was issued to the second Party and thereafter, enquiry was conducted against the Second Party. According to the First party, the domestic enquiry conducted against the Second Party was as per the principles of natural justice and full opportunity was extended to the Second party to participate in the enquiry.

The First Party therefore, categorically denies that, the charges levelled against the Second Party were vague and principles of natural justice were not followed by the

First Party. On the contrary, according to the First party, the Second party has unequivocally admitted the misconduct on his part. Moreover, in the enquiry proceeding also, the misconduct on the part of the Second Party was fully proved. As the misconduct on the part of Second Party was gross and grave misconduct. The First party had left no other alternative than to pass award of punishment of dismissal.

6. While admitting that, the Second Party belongs to backward class, the First Party submits that, it is irrelevant for the purpose of awarding punishment to the Second Party as the misconduct committed by the Second party is gross and grave. The First Party also submits that, the second Party who has completed 17 years service is well conversant with the functioning, rules and regulations of the Bank. Even then, the above referred misconduct on his part is so serious on his part for which, the Second Party does not deserve any leniency. The First Part therefore, prays to reject the claim.

7. On respective contentions of the parties, I have framed following issues at Exhibit D-5. On receipt of the corrigendum dt. 24-3-2006 from the Desk Officer, Issue No.1 was re-casted. I have recorded my findings on the issues.

ISSUES

FINDINGS

(1) Whether the action of First Party in issuing dismissal order of Second Party w.e.f:2-6-2001 is legal and proper?

.....Yes

If Yes?

(2) What order?

....As per final order

8. REASONS:

Before going through the evidence on record, it will not be out of place to mention some of the facts which are not seriously disputed. It is not disputed position that, the Second Party was served with a chargesheet on 27-7-2000. It is also admitted position that, the reply submitted by the Second Party to the said chargesheet was not accepted by the First Party and the domestic enquiry was initiated against the Second Party. It is not disputed position that, one Shri. S.L. Kundalik, Karbhari Sarode, N.B. Sarode, P.B. Vaghmare who had opened their saving account with Malthan Branch with Rs.500/- each. On 25-3-2000 have entrusted Rs. 17,500/- to the Second Party from time to time for depositing in their saving account. It is also admitted position that, the Second Party carried out entries for depositing the amount paid by these persons in their respective saving account but, in fact, the Second Party did not deposit the amount in their respective saving account. It is also not disputed position that the above referred account holders had enquired with the First Party about the deposit they have entrusted with the Second

Party and have asked the First party to credit the amounts of their deposits in their saving account. It is also not disputed position that, the Second Party had preferred an appeal against his dismissal order dtd. 30-5-2001 to the Appellate Authority of the First Party. It is also admitted position that, the appeal preferred by the Second Party against the order of punishment was turned down by the Appellate Authority.

9. ISSUE NOS. 1 AND 2:

In view of above admitted facts, in order to show that, the action of First Party of issuing dismissal order of the Second Party w.e.f. 2-6-2001 is illegal, the Second Party has examined at Exhibit UW-1. In addition to that, he has examined account holder—Karbhari Sarode and Sambhaji L. Kundalik. As against this, on behalf of the First Party, the evidence of Shri P. Gadgil is recorded. The Second Party, his two witnesses as well as the witness of the First party have adduced their evidence by way of affidavit. The Second Party and his two witnesses have mainly tried to bring on record that, the amount of deposits handed over by the account holders to the Second Party were not deposited by the Second Party due to his financial difficulty. However, none of the account holder has any complaint against the Second Party. The two witnesses examined by the Second Party have also brought on record that, in order to show the acknowledgement of the deposits made by them, at their instance, the Second Party has carried out entry in their saving account. However, they have never made any complaint against the Second Party to that effect. The Second Party has tried to bring on record that, the employer has committed farce of domestic enquiry and he was not given any opportunity for engaging defence Counsel. Shri Pande, Officer of the bank has high-handedly recorded the statement of the account holders. It is also tried to bring on record that, none of the account holder was examined before the Enquiry Officer and therefore, not only the enquiry against the Second Party is illegal but, also the punishment of dismissal is also shockingly disproportionate. The Second Party has tried to bring on record that, while passing the order of dismissal against him, his long standing service and his contribution with the First Party was not considered by the First Party.

10. As against this, the witness of the First Party has fully supported the dismissal order by trying to bring on record that, the Second Party was given full opportunity to participate in the enquiry. It is also tried to bring on record that, the Second Party has committed grave misconduct of committing false entry and has mis-appropriated the amount and thus, acted against the discipline of the Bank and therefore, he justified the order of dismissal.

11. After giving conscious thought to the respective cases put forth by the parties, one thing is clear that, it is the

Second Party who has opened the account of 4 account holders by name—S.L. Kundalik, Karbhari Parode, N.B. Sarode, P.B. Vaghmare. It is not disputed position that, these account holders as well as the Second Party are residing at Sarodwadi and the saving account of these persons were opened with Kalkhan Branch where the Second Party was lastly serving. Now, admittedly from 25-3-2000 to 29-5-2000, the above referred account holders were depositing Rs. 500 per week and they were handing over the said amount to the Second Party for depositing the same in their saving account. The Second Party himself has admitted this fact before Regional Officer. Letter dtd. 21-6-2000 Exhibit C-51 unequivocally goes to show that, the Second Party was receiving the amount from above referred 4 account holders.

12. Now, it is significant to note that the Second Party was working as a peon. One can understand that, amount of deposit can be entrusted to the employee of the Bank for depositing the same in their respective account. However, it is significant to note that, the First Party has not authorised the Second Party to collect the amount of deposits from these holders. Admittedly, the Second Party was not working as a Pigmy Agent. The case put forth by the Second Party that, for the purpose of convenience he was receiving the amount from account holders therefore, cannot be depreciated. However, it is significant to note that, the Second Party has not delayed the deposits. If the Second Party would have made some delay in depositing the amount, even then, he could have been excused. However, from 25-3-2000 to 29-5-2000, the Second Party has not deposited the amount in the saving account of above referred persons. The blunder that, the Second Party has committed is by carrying out entry of deposit in the saving pass book of above referred account holders. The Second Party has not only carried out the entries but, has also initially the said entry. Now, admittedly, this is not the work entrusted to the Second Party and the said work is that of Clerk or Sr. Officer of the Bank. Though an attempt has been made by Shri Deshmukh, learned counsel for the Second Party that, for the purpose of convenience and with the consent of account holders, the Second Party was carrying out entries in the saving pass book of account holders. The entire submissions advanced by Shri Deshmukh are falacious. Even remotely it cannot be accepted that, by carrying out entries in the saving pass book of account holders, the Second Party was acknowledging the deposit of the account holders. It is pertinent to note that, the entries carried out in the saving pass book has evidently value and they are admissible for the evidence as per Negotiable Instrument Act. To my mind, by carrying out entry in the saving pass book, the Second Party has fortified the payment of account holders on behalf of the First Party. The Second Party has done so without depositing the respective amount in the saving account of the account holders and especially when it was not the duty of the Second Party to carry out the entry in the saving pass book.

13. Though an attempt has been made by Shri Deshmukh, learned counsel for the Second Party that, none of the account holders has complained against the Second Party and though he has relied on the letter correspondence from account holders, to the Manager of the First Party at Exh. C-23 to C-26, to my mind, merely because the account holders has stated that, they have not complaint against the Second Party that does not dilute the gravity of seriousness of the misconduct on the part of Second Party. To my mind, when the Second Party was not authorised to carry out entry in the saving pass book and when the same work is entrusted with the concerned Clerk only. The alleged act on the part of the Second Party without depositing the amount in the saving account cannot be viewed with leniency. To my mind, the Second Party by doing such act has indulged himself in criminal offence. I do not know whether any criminal proceeding has been launched against the Second Party. But, the said act on the part of Second Party is definitely against the discipline of Bank proceeding.

14. An attempt is also made by Shri Deshmukh to show that, the confessing of the Second Party was got recorded by force and he was not given an opportunity to engage defence representative. This submission advanced by Shri Deshmukh are also far away from the truth because the enquiry proceeding dt. 22-9-2000 which is signed by the Second Party unequivocally goes to show that, a specific question has been asked to Second Party as to whether he wants to engage defence representative and thereafter, the Second Party was asked about the charges levelled against him. The enquiry proceeding dt. 22-9-2000 further shows that, the Second Party has submitted his guilt and prayed for leniency. For the reasons best known to the Second Party, he has not made any complaint since 22-9-2000 or his confession before employer that his confession was recorded by force. Moreover, the fairness of enquiry is also not challenged by the Second Party, no attempt has been made by the Second Party to decide the fairness of enquiry and therefore, the submissions advanced by Shri Deshmukh cannot be accepted. Shri Deshmukh, learned counsel for the Second Party has alternatively submitted that, the Second Party has completed 17 years long standing service. His contribution towards business of the Bank is healthy he represents reserve community muchless he is handicap also. His past service record is unblemished and therefore, the punishment of dismissal is shockingly disproportionate.

15. Though an attempt has been made by Shri Gumaste, learned counsel for the First Party that, there is no provision for taking lenient view, the submissions advanced by Shri Gumaste cannot be accepted because section 11-A of the industrial Disputes Act specifically empowers the Labour and Industrial Court to suggest

alternate punishment if it is found just. Now, in present case, the question before me as to whether the facts of the present case are of such nature in which the leniency can be showered to the Second Party. After going through the facts of the present case, to my mind, even remotely the Second Party cannot be shown leniency because the Second Party was serving as a Peon with the schedule bank. Secondly, he has acted unauthorisedly and has carried out entry in the saving pass book of the account holders. When the Second Party was working as a Peon and when he has no authority to carry out entry, in the saving pass book of account holders, the alleged act on his part is definitely a breach of discipline and breach of bank rules. My view has been fortified by the judgement of Supreme Court in the case of DISCIPLINARY AUTHORITY-cum-REGIONAL MANAGER Vs. N.B. PATNAIK (reported in 1996 (1) C.L.R. Pg. 991).

16. Secondly, it is also pertinent to note that, the Second Party who was serving with the Bank as a Peon is required to exercise highest standard of honesty and integrity. The Second Party being employee of the Bank is required to take all possible steps to protect the interest of the Bank and to discharge his duties with almost integrity and honesty. It is pertinent to note that, good conduct and discipline are inseparable from the functioning of every employee of the Bank. The act on the part of Second Party of not depositing the amount entrusted to him by account holders and even then to carry out entry in their respective saving account without any authority to him, are sufficient to loose the confidence in the mind of employer about the Second Party. It is also pertinent to note that, the Second Party by doing alleged act has not only fabricated false document but, has also committed criminal breach of trust by misappropriating the amount. In such circumstances, while considering the case of misappropriation and falsification of account, the employer who has lost his confidence about the employee is not expected to continue such employee in the service. If leniency is shown to such employee then, it would be providing boost to such employee to continue with such mischief again and by giving such direction, to my mind, I do not want to become party in the misconduct of the Second Party. Therefore, to my mind, the First Party was fully justified in dismissing mercy appeal of the Second Party. For this reason also, to my mind, leniency cannot be shown to the Second Party. I therefore, decide Issue No. 1 in negative and decide the reference accordingly. Hence, order.

ORDER

Reference is answered in negative.

Pune

Dated : 23rd June, 2006.

S.S. VYAVAHARE, Industrial Tribunal

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 160/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/129/2002 आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 160/2002) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 14-7-2006.

[No. L-12012/129/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

SHRIKANT SHUKLA

Presiding Officer

I.D. No. 160/2002

Ref. No. L-12012/129/2002-IR(B-I) Dt. 9-9-2002

Between

Sri Aytaru S/o Sri Videshi
Vill. & Post Mirzapur
Ambedkar Nagar, C/o Sri P.K. Tewari
Legal Adviser, Bhartiya Mazdoor Sangh,
6 Navin Market, Kesar Bagh
Lucknow-I (U.P.)

And

The Asstt. General Manager,
State Bank of India, Zonal Office
(Region 2) Hazratganj, Lucknow
The Branch Manager, State Bank of India
Akhand Nagar, Sultanpur-I

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute No. L-12012/129/2002-IR(B-I) dated 9-9-2002 to the Presiding Officer, CGIT-cum-Labour Court, Lucknow for adjudication;

“क्या प्रबंधन स्टेट बैंक इण्डिया, सुल्तानपुर द्वारा श्री अवतारु पुत्र श्री विदेशी को दैनिक श्रमिक को मई 1998 से मौखिक आदेश के द्वारा नौकरी से निकाला जाना न्यायोचित तथा न्यायसंगत है? यदि नहीं तो कर्मकार किस अनुतोष का अधिकारी है? ”

“ Worker's case in brief is that he was employed w.e.f. Feb. 1991 in State Bank of India, Akhand Nagar, Sultanpur branch as part time Sweeper/Farrash @ Rs. 15/- per day and the bank accordingly issued memorandum dt. 3-9-91. Worker was employed on vacant post. After continuous service of 8 years the worker was terminated w.e.f. Jan. 1999. Worker represented to opposite party and requested for reinstatement but opposite party did not consider worker's representation accordingly worker moved writ petition No. 5184/2000 (S/S) in the Hon'ble High Court judicator at Allahabad in which the Hon'ble High Court directed to opposite party to disposed of the representation of the worker dt. 12-7-99. The worker submitted the representation to the opposite party but the opposite declined the request of the worker. It is stated by the worker that he worked with the opposite party 8 long years but opposite party terminated the services without giving notice, notice pay or compensation. Worker is accordingly entitled to reinstatement and back wages. Worker has accordingly prayed that termination order dt. Jan. 1999 be set aside and he be reinstated with back wages.

Worker has filed one page affidavit paper no. 5/6, the order of the Hon'ble High Court dtd. 12-9-2000 passed in writ petition 5184/2000 (S/S) Avtaru vs. Asstt. General Manager, State Bank of India, Hazratganj, Lucknow and another and the order of the Asstt. General Manager, State Bank of India Regional Office dtd. 2-12-2000.

Opposite party has filed several written statement one is A2-10 and 13/3.

The case of the opposite party is that there is prescribed procedure to employ any person in the State Bank of India and no body can be employed in the State Bank of India in violation of the said prescribed procedure framed under the provisions of State Bank of India Act and rules duly framed under the provisions of State Bank of India Regulations 1955. It is submitted that the worker was never employed in the service as per the said rules. He was engaged by the branch manager State Bank of India on daily wages on account of creation of purely temporary work load for a limited period till the regular posting of the bank employee duly selected in the said branch. The branch manager was neither having any authority as per law and regulations nor did he employ the worker of this case or anybody else in the service of the bank. It is not denied that the worker filed writ petition in the Hon'ble High Court it is admitted that the representation of the worker was considered by the bank at length complying with the direction of the Hon'ble High Court judicature at Allahabad. In view of the facts and circumstances of the

case, his request was not legally tenable hence the same could not be acceded to. It was communicated to the disputant. The opposite party has filed the copy of order dated 2-12-2000 along with his written statement. It is also submitted that services of workman were obtained on daily wages purely against temporary requirement for 2 hours a day by the branch manager of the bank. As the temporary requirement was over after the joining of the regular Safai Karmi in the branch, in question, there is no vacancy available in the branch at present, either to engage any person on daily wages or on permanent basis. It is specifically denied that the claimant had worked for 8 years. It is submitted that the worker had worked to discharge his casual duties for which the payment was made to him on the basis of daily wages.

Another written statement which is accompanied by the affidavit of Asstt. General Manager is repetition of the same along with enclosures stated above.

The worker has filed rejoinder i.e. A1-21 in which he has reiterated his allegation made in the statement of claim. Worker has admitted that he was called for a interview but the result was not declared nor the worker was made aware of the result of the interview.

Worker has filed following photo copies of documents along with application C-23.

1. Experience certificate dtd. 3-9-91 showing the engagement of the worker as daily wages @ Rs. 10 per day during March 1991 to August 1991 for period of 141 days.
2. Interview letter dtd. 2-12-91.
3. Copy of T.C.
4. Application of Avtaru of 9th May, 2000 addressed to branch manager, SBI, Akhand Nagar, Sultanpur.
5. Application of worker dt. 12-7-99 addressed to branch manager, SBI, Akhand Nagar, Sultanpur.
6. Postal receipts.

The opposite party has filed too affidavit of Sri R.P. Pandey they are A-29 & A-31 along with photo copy of interview letter and the order of disposing the representation of the worker dtd. 2-12-2000.

Opposite party has also filed the vouchers and banker's cheque 6-7-95, 11-11-96, 2-1-97, 13-3-97, 2-5-97, 17-6-97, 7-8-97, 8-9-97, 6-12-96, 9-12-97, 18-4-98, 19-5-97, 5-4-97, Jan. 98, 12-2-98, 24-3-98, 18-6-98. After evidence the worker wanted a liberty to file rejoinder and the worker filed the rejoinder on 10-11-04, and 3-2-05 was fixed for evidence but the worker and his representative did not turned up on 3-2-05 therefore the case was ordered to proceed ex-party against the workman and 3-3-05 was fixed for ex-party evidence of management.

On 3-3-05 a application paper no. C-22 moved for recalling the order of 3-2-05 which was allowed on 4-4-05 worker again moved application C-23, for taking that documents on record which was allowed and the documents were taken up on the record.

On 3-6-05 none appeared for the worker therefore 22-9-05 was fixed for worker's evidence. But the worker did not produce evidence on 22-9-05 and sought adjournment which was allowed at the cost of Rs. 100 and the next date was fixed 21-12-2005. Worker absented on 21-12-05 although no adjournment sought by the worker the court of its own gave an opportunity to the worker to file his evidence in form of affidavit within 15 days and 24-1-06 was fixed for cross examination of the worker's witness. Worker as usual absented. It was therefore believed that the worker neither wants to produce himself in evidence nor wants to produce any other person in his evidence and therefore 16-3-06 was fixed for evidence of the opposite party. On 16-3-06 opposite party was directed to file affidavit but the worker absented. It was therefore believed that the worker does not want to cross examine any person whose affidavit was filed in the court. Accordingly 17-3-06 was fixed for argument. On 17-3-06 worker and his representative absented as usual and the opposite party moved an application to file another evidence which was allowed and 24-3-06 was fixed for filing additional evidence and 8-5-06 was fixed for cross examination. Worker did not appear on 8-5-06 also however in the interest of justice 12-5-06 was fixed for cross examination of the management witness. On 12-5-06 also the worker and his representative remained absent.

On the next date of hearing on 6-6-06 the worker and his representative remained absent however in the interest of justice the worker was directed to appear for evidence on 13-6-06 and examine its witness on 13-6-06 at the cost of Rs. 300. On 13-6-06 also the worker remained absent therefore the case was ordered to proceed ex-party against the worker and 3-7-06 was fixed for evidence.

Learned representative of the opposite party has argued that according to the reference order this court was to decide whether the termination of the worker in May 98 is justified and proper or not. He has further argued that the worker in his statement alleged that he did worked till Jan. 1999. Representative of the management has drawn my attention on the affidavit A2-31 filed by Sri R.P. Pandey. Affidavit para 10 which reads as follows;

"It is respectfully submitted that no payment was made to the disputant after 1994 after his disengagement and all payments were made to the Labour Contractor only when such services were required to cope with extra work."

The representative of the opposite party has argued that it was the duty of the worker to prove that he worked continuously from Feb. 91 to Jan. 99 as alleged by him in the statement of claim but he has absented and had not turned up to that stand the crosses examination by the bank management.

The representative of the opposite party has also argued that the worker has concocted the case and in para I of the statement of claim he has alleged that he was engaged at @ Rs. 15 per day whereas his own document shows that he was probably engaged during March 91 to August 91 @ Rs. 10 per day. The representative of the opposite party drawn my attention to paper no. A1-24 which were has himself filed.

The representative of the opposite party has also argued that the original paper 24/4 and 24/5 were not sent to the branch as worker has tried to alleged but he has requested to read the said documents. The photo copy of 24/5 is as follows :

सेवा में,

श्रीमान् शाखा प्रबन्धक,
भारतीय स्टेट बैंक,
अखण्ड नगर सुल्तानपुर,
सुल्तानपुर ।

महोदय,

विनम्र निवेदन है कि प्रार्थी आपके अधीनस्थ फरवरी 1991 से वर्ष 1995 तक लगातार पार्ट टाइम स्वीपर/फर्गस के पद पर तथा इसके बाद से जनवरी 1999 तक सविदा के आधार पर कार्य किया है। जनवरी 1999 में प्रार्थी को सेवा में वापस लेने हेतु लिखित व मौखिक रूप से प्रार्थना कर चुका है। पर अभी तक प्रार्थी को सेवा में नहीं लिया गया जबकि स्वीपर/फर्गस का पद आज भी खाली है। प्रार्थी बहुत ही गरीब है।

अतः आपसे विनम्र प्रार्थना है कि प्रार्थी को सेवा में वापस लेने की कृपा करे जिससे प्रार्थी अपने परिवार का भरण-पोषण कर सके।

महान दया होगी।

दिनांक : 12-7-1999

प्रार्थी

ह./-

अतवारू

ग्राम व पो.-मिरजापुर
जिला अम्बेडकर नगर।

प्रतिलिपि-श्रीमान् सहायक महाप्रबन्धक,
भारतीय स्टेट बैंक,
ऑचलिक कार्यालय क्षेत्र द्वितीय
हजरतगंज, लखनऊ।

सत्य-प्रतिलिपि

Photo copy of paper no. 24/4 is as under ;

सेवा में,

श्रीमान् शाखा प्रबन्धक,
भारतीय स्टेट बैंक,
अखण्ड नगर, सुल्तानपुर,
सुल्तानपुर।

महोदय,

सविनय निवेदन है कि प्रार्थी ने आपके अधीन बैंक शाखा में फरवरी सन् 1991 से 1995 कि लगातार पार्ट टाइम स्वीपर/फर्गस के पद पर कार्य किया तथा वर्ष 1995 से जनवरी 1999 तक सविदा के आधार पर कार्य किया है। जनवरी 1999 के बाद प्रार्थी को सेवा से आप द्वारा निकाल दिया गया है। प्रार्थी ने कई बार आपसे मिलकर तथा लिखकर सेवा में वापस लेने हेतु प्रार्थना-पत्र दे चुका है। पर आज तक प्रार्थी को सेवा में नहीं लिया गया है। जबकि शाखा में स्वीपर/फर्गस का पद अभी भी रिक्त है। प्रार्थी को सेवा में न लिये जाने के कारण प्रार्थी अपने परिवार का भरण-पोषण करने में असमर्थ है।

अतः श्रीमान् जी से प्रार्थना है कि प्रार्थी को सेवा में वापस लेते हुए समस्त बकाया देयों का भुगतान करने की कृपा करें।

प्रार्थी सदैव आभारी रहेगा।

दिनांक : 9 मई सन् 2000

प्रार्थी

ह./-

अतवारू

ग्राम व पो. मिरजापुर
जिला-अम्बेडकर नगर।

प्रतिलिपि-श्रीमान् सहायक महाप्रबन्धक,
भारतीय स्टेट बैंक, ऑचलिक, कार्यालय क्षेत्र द्वितीय
हजरतगंज, लखनऊ।

सत्य-प्रतिलिपि

Learned representative of the opposite party has stated that the worker has not disclosed the date of Feb. 1991 to date month of 1999. However he says that since 1995 to Jan. 1999 he might have been engaged as work by contractor's. Representative opposite parties representative has further stated that the worker was required to work as daily wagger as and when need arose till 1994 and after 1994 he was not give a single paisa as he was not engaged. He has argued that from 1995 till now incumbent regular employee as part time sweeper joined branch of the above one Sri J.P. Singh was engaged for cleaning premises. It was the Sri J.P. Singh who might have engaged the concerned workman to carry out the cleaning of the floor 1/2 or one hour for which the management of the bank is not the employer of the worker.

Worker has fabricated the facts and in the fabrication paper no. 24/4 and 24/5 were made out. He has stated that there was no contract between the management of the bank and Avtaru for cleaning the floor of the branch of the bank. He has stated that if the court believes the documents 24/4 then it will go to show that according to the worker he worked on contract from 1994 to Jan. 1999. But no appointment letter or contract letter has been filed by the worker. Admittedly he did not worked as casual labour/daily wage maximum upto 1994 and he approached to the court after six years of disengagement as casual labour. It was on the part of the worker to plead and prove that he worked 240 days continuously in preceding calendar year of his termination. The duty is caused upon the worker to prove and it does not rest upon the management of the bank. I have gone through the order dt. 2-12-2000 the photo copy which has been filed by the opposite party the representative of the opposite party was questioned as to why he has not mentioned while disposing the representation of the worker that worker was not engaged beyond 1994 and why the management has written in the said order that from May 98 he was not engaged by the bank. To this query the representative of the opposite party replied that prior to 1998 the worker might have been engaged for sweeping of the bank premises by the contractor Sri J.P. Singh, as has been admitted by the worker in his letter paper no. 24/4 and 24/5 although this is not admitted to the management of the bank that the worker Avtaru was given any contractor for cleaning the premises instead it was Sri J.P. Singh who have contracted for sweeping the premises. The representative of the opposite party has argued that it is for the worker to claim protection under section 25F to prove that their relationship of employee & employer; that he has a workman within the meaning of section 2(s) of the I.D. Act. He has argued that it was for the workman to plead and prove that from 1995 to 1998 he was a worker employed by the management of the bank. Simply stating in the application that he was employed on contract will not satisfy the fact during the period the management was employer and he was employee. He has also argued that the onus is on the worker to prove that he had worked continuously 240 days in the preceding one year prior to his alleged retrenchment and it is for the workman to adduce evidence apart from examining himself to prove the factum of his being in employment of employer. It was necessary for the workman to produce the relevant material to prove that he had actually worked with the employer for not less than 240 days during the period of 12 calendar months preceding the date of termination. What the court will find that apart from the one page

affidavit the workman has not produce any evidence to prove the fact that he had worked for 240 days. It is improper that the workman who claimed to have worked with the management of the bank for 8 years would not possess any evidence to prove the nature of his engagement and the period of work he had undertaken with his employer.

The representative of the opposite party has drawn my attention (2005) 8 Supreme Court Cases 750 Surendr Nagar District Panchayat vs. Dehyabhai Amarsinh.

From the perusal of the entire documents of the record and evidence carefully and hearing the representative of the opposite party I am of the opinion that on the one hand the court has to decide whether the worker's oral termination in May 98 is justified or not. Whereas the worker states in the statement of claim that he worked till Jan. 99. Worker ought to have alleged and proved that he was in the employment of the opposite party and the opposite party was a employer and he worked continuously atleast 240 days in preceding calendar year of termination i.e. May 98. The burden was on the worker to prove but the worker has not done so. Documentary evidence produced by the worker are adverse to the interest of the worker therefore there is not satisfactory evidence on record to decide whether there was oral termination which was justified and proper. On the contrary the opposite party by its affidavit has proved that no payment was made to the worker after 1994 after his disengagement and all payment were made to the labour contractor only when the services were required to cope with the extra work.

It is pertinent to mention here that there is no appointment letter on the file. It is also a fact that opposite party bank is a nationalised bank and it has proper procedure for recruitment of its sub staff. The representative of the opposite party has argued that occasionally prior to 1994 the worker was engaged on daily wage basis and subsequently it was thought proper to engage a labour contractor for this purpose therefore the contractor was engaged and there contractual relationship between the employee and the bank management. In the circumstances I come to the conclusion that there appears the concoction in the case and issue is decided accordingly against the worker. I also come to the conclusion that worker is not entitled for any relief whatsoever.

Lucknow
5-7-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3140.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. I, मुम्बई के पंचाट (संदर्भ संख्या 24/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-41011/14/2004 आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3140.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 24/2005) of the Central Government Industrial/Tribunal/Labour Court No.-I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 14-7-2006.

[No. L-41011/14/2004-IR(B-1)]

AJAY KUMAR, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I MUMBAI

PRESENT

JUSTICE GHANSHYAM DASS, Presiding Officer

REFERENCE NO. CGIT-24 OF 2005

Parties : Employers in relation to the management of
Western Railway

And

Their workmen

APPEARANCES:

For the Management : Ms. D. Fernandes, Adv.
For the Union : Absent
State : Maharashtra
Mumbai dated the 30th day of June, 2006

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act 1947 (the Act

for short) vide Government of India, Ministry of Labour, New Delhi Order No. L-41011/14/2004-IR(B-1) dated 14-09-2005. The terms of reference given in the schedule are as follows:

“Whether the action of the management of Western Railway Administration in granting the seniority to the Saloon attendants far above the Fitter is justified? If not, what relief Fitter cadres post is entitled to?”

2. The matter came up for hearing today before me. A perusal of the record goes to show that the notice was issued by Regd. Post to the President, Indian Railway Technical Staff Association for contesting the matter on behalf of the workman through whom the dispute was raised.

3. The notice was served but none appeared to contest the matter in hand. The counsel for the Western Railway is present before me. An application is being moved on its behalf that the reference be disposed of since the Second Party workman has not appeared to contest the matter.

4. In view of the above, the reference is hereby dismissed.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3141.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डच बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. I, मुम्बई के पंचाट (संदर्भ संख्या 31/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/83/2005 आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 31/2005) of the Industrial Tribunal/Labour Court No.-I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deutsche Bank Ltd. and their workman, which was received by the Central Government on 14-7-2006.

[No. L-12012/83/2005-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, MUMBAI****PRESENT:**

JUSTICE GHANSHYAM DASS, Presiding Officer

REFERENCE NO. CGIT 31 OF 2005**PARTIES :** Employers in relation to the management of
Deutsche Bank Ltd.

And

Their workmen.

APPEARANCES:

For the Management : Absent

For the workman : Absent

State : Maharashtra

Mumbai, dated the 30th day of June, 2006

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act 1947 (the Act for short) *vide* Government of India, Ministry of Labour, New Delhi Order No. L-12012/83/2005-IR(B-I) dated 29-11-2005. The terms of reference given in the schedule are as follows:

“Whether the action of the management of Deutsche Bank Ltd., Mumbai in terminating the services of Shri Gupteshwar Ram w.e.f. 29-7-2003, after imposing the penalty is justified? If not, what relief Shri Gupteshwar Ram is entitled to?”

2. The matter came up for hearing today before me. Notice was issued to the workman by registered post several times. The notice issued for today's date is received back with the endorsement 'Unclaimed, Return to sender'. Thus, the workman himself did not claim the notice issued by this Tribunal for hearing of the matter. It implies that the workman is not interested at all in contesting the matter.

3. In this view of the matter, I conclude that the action of the Management of Deutsche Bank Ltd. in terminating the services of Shri. Gupteshwar Ram is justified. The workman is not entitled to any relief.

The Award is made accordingly.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3142.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुमीटोमो मितसुई बैंकिंग कोरपोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण सं. I, मुम्बई के पंचाट (संदर्भ संख्या 23/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल 12012/28/2004-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 23/2005) of the Central Government Industrial Tribunal/Labour Court, No. I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sumitomo Mitsui Banking Corp. and their workman, which was received by the Central Government on 14-7-2006.

[No. L-12012/28/2004-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 MUMBAI****PRESENT:**

JUSTICE GHANSHYAM DASS, Presiding Officer

REFERENCE NO. CGIT-23 OF 2005**PARTIES:** Employers in relation to the management of
Sumitomo Mitsui Banking Corporation

And

Their workmen.

APPEARANCES:

For the Management : Ms. Nandini Menon, Adv.

For the Workman : Absent.

State : Maharashtra.

Mumbai, dated the 30th day of June, 2006

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) *vide* Government of India, Ministry of Labour, New Delhi Order No. L-12012/28/2004-IR(B-I) dated 8-8-2005. The terms of reference given in the schedule are as follows:—

“Whether the action of management of Sumitomo Mitsui Banking Corporation, Mumbai by discriminating towards paying PF contribution to certain employees @ rate of 12% and to other employees @ rate of 10% is justified? If not, what relief SMBS Staff Union/employees are entitled to?”

2. The matter came up for hearing today before me. The notice issued to the parties to the reference by registered post have not been served for the reason being that the Office of Sumitomo Mitsui Banking Corporation is reported to be closed down in India. Since the office of the Bank itself is closed, the Union which raised the dispute is also no more in existence and hence the notice could not be served. This fact has come up to the notice of this Tribunal through the Advocate of the Bank who is present in some other matter pending since long.

Since the parties to the reference are not appearing before this Tribunal for contest, the reference is dismissed.

Justice GHANSHYAM DAS, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ 3143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अमहदाबाद के पंचाट (संदर्भ संख्या 945/04 व 1047/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-41011/39/92-आईआर(बी-1),
एल-41011/59/95-आईआर(बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (945/04 & 1047/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 14-7-2006.

[Nos. L-41011/39/92-IR(B-I),
L-41011/59/95-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B. I. Kazi, (B. Sc., L.L.M.), Presiding Officer
INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.)
No. 945/04, OLD (I.T.C) No. 10/1993

1. The Sr. Divisional W.Rly.
Kothi Compound, Rajkot

2. The General Manager,
Western Railway, Churchgate
MumbaiFirst Party

V/s.

The Jt. Divisional Secretary,
Paschim Railway Karmachari Parishad,
209/E, Sarvottam Nagar, Nr. New Railway Colony,
Sabarmati, Ahmedabad.Second Party

APPEARANCE:

First Party : Shri Y.C. Rajya Guru

Second Party : Absent

AWARD

The Government of India has referred the Industrial Dispute between the above parties by order No. L-41011/39/92-IR (DU) dated 20-10-1993 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of DRM, Rajkot in not posting /redesignating Shri Vijay Bahadur, Khalasi (Locoshed Mehasana) and Shri Pursottam, Khalasi [Locoshed (MG) Sabarmati] as cleaner from 22-02-1991 is justified, legal and proper? If not, to what relief these workmen are entitled and what directions are necessary in the matter?"

A notice was issued to the parties to file their claims. The Second party have filed the statement of claim by Ex. 3. The first party has filed the written statement by Ex. 5. However, the proper opportunity was given by this Tribunal to prove its case to the second party. The second party failed to prove its case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen failed to prove its case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of DRM, Rajkot in not posting/redesignating Shri Vijay Bahadur, Khalasi (Locoshed Mehasana) and Shri Pursottam, Khalasi [Locoshed (MG) Sabarmati] as cleaner from 22-02-1991 is just legal and proper. The concerned workmen are not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 22-11-05
Ahmedabad

B. I. KAZI, Presiding Officer

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT AHMEDABAD**

PRESENT: SHRI B.I. Kazi (B.Sc., L.L.M.)

Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.L.T.A.)

No. 1047/04, OLD (I.T.C) No. 18/1997

The Divisional Railway Manager,
Western Railway,
Kothi Compound,
Rajkot (Gujarat) 360 001

....First Party

V/s.

The Divisional Secretary,
Paschim Railway Karmachari Parishad,
209/E, Sarvottam Nagar,
Near New Railway Colony,
Sabarmati, Ahmedabad.

....Second Party

APPEARANCE:

First Party : Shri Y.C. Rajya Guru

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41011/59/95-IR (B.I) dated 12-03-1997 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the demand of the Paschim Railway Karmachari Parishad, Ahmedabad against the management of Divisional Railway Manager, Western Railway, Rajkot and Chief Project Manager, Western Railway, Ahmedabad that the 58 (as per list) labourers in the construction organization and transferred to open line in 1984-85 should be granted Temp. status on completion of 120 days from date of initial appointment from 1979, along with arrears and consequential benefits, valid, just and legal. If so, what benefits the workmen are entitled for and what directions are necessary in the matter ?"

2. A notice was issued to the parties to file their claims. The Second party have filed the statement of claim by Ex. 03. The first party has filed the written statement by Ex. 05. However, the proper opportunity was given by this Tribunal to prove its case to the second party. The second party failed to prove its case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen failed to prove its case.

Looking to the above observations I hereby pass the following order :

ORDER

The demand of the Paschim Railway Karmachari Parishad, Ahmedabad against the management of Divisional Railway Manager, Western Railway, Rajkot and

Chief Project Manager, Western Railway, Ahmedabad that the 58 (as per list) labourers in the construction organization and transferred to open line in 1984-85 should be granted Temp. status on completion of 120 days from date of initial appointment from 1979, along with arrears and consequential benefits, invalid, unjust and illegal. The concerned workmen are not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Dated : 29-12-2005

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3144.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 115/04 व 193/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/49/98-आईआर(बी-1),

एल-12012/57/99-आईआर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3134.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (115/04 & 193/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 14-7-2006.

[Nos. L-12012/49/98-IR(B-I),

L-12012/57/99-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT AHMEDABAD**

PRESENT:

Shri B. I. Kazi (B. Sc., L.L.M.), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.)

NO. 115/04, OLD (I. T.C) No. 92/1998

The Manager, State Bank of India,
Main Branch, Bhadra,
Ahmedabad-380 001

.....First party

V/s.

Shri S.R. Mansuri,
C/2, Firoji, Villa Society,
Yasmin Soc., Vejlpur,
Ahmedabad-380 001

.....Second party

APPEARANCE:

First Party : Shri M.J. Sheth

Second Party : Shri N.U. Bhatt

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L- 12012/ 49/98- IR (B-1) dated. 21/09/1998 to this Tribunal for adjudication the terms of reference is as under.

SCHEDULE

"Whether the action of the management of State Bank of India in terminating the services of Shri Shubhirhusen R. Mansuri w.e.f. 14-07-1996 and not considering for regular employment is justified. ? If not, what relief the concerned workman is entitled to?"

2. A notice was issued to the parties to file their claims. The Second party have filed the statement of claim by Ex. 03. The first party has filed the written statement by Ex. 04. However, the proper opportunity was given by this Tribunal to prove his case to the second party. The second party failed to prove his case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen failed to prove his case.

Looking to the above observation, I hereby pass the following order :

ORDER

The action of the management of State Bank of India in terminating the services of Shri Shubhirhusen R. Mansuri w.e.f. 14-07-1996 and not considering for regular employment is just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 14-2-2006
Ahmedabad

B. I. KAZI, Presiding Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR
COURT AT AHMEDABAD**

PRESENT: SHRI B. I. Kazi (B. Sc., L.L.M.)
Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.)
No. 193/04. OLD (I.T.C) No. 109/1999

The Branch Manager,
State Bank of India, Manekba Bhavan
Opp. Preyas High School, Bahai Center,
Ahmedabad (Gujarat) First Party

V/s.

Shri Jayantilal Gulabdas Makwana
55, Saujanya Park Society,
Opp. Anand Park Dani Limba,
Ahmedabad, Gujarat. Second Party

Appearance :

First Party : Shri B. K. Oza

Second Party : Shri Nalin U. Bhatt

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by Order No. L- 12012/ 57/99- IR (B-1) dated. 12-05-1999 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of State Bank of India in terminating the services of Shri Jayantilal Gulabdas Makwana w.e.f. 27-04-1984 and not considering him for regular employment is justified? If not what relief the concerned workman is entitled to?"

2. A notice was issued to the parties to file their claims. The Second party has filed the statement of claim by Ex. 06. The first party has filed the written statement by Ex. 08. However, the proper opportunity was given by this Tribunal to prove his case to the second party. The second party failed to prove his case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove his case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of State Bank of India in terminating the services of Shri Jayantilal Gulabdas Makwana w.e.f. 27-04-1984 and not considering him for regular employment is just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 8-2-2006
Ahmedabad

B. I. KAZI, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3145.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एनाकूलम के पंचाट (संदर्भ संख्या 6/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/228/2004 आईआर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 14th July, 2006

S.O. 3145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 6/2005) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Federal Bank Ltd. and their workman, which was received by the Central Government on 14-7-2006.

[No. L-12012/228/2004-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT: Shri P.L. Norbert, B.A., LL.B., Presiding Officer

(Tuesday the 27th day of June, 2006 /06th Asadha, 1928)

I.D. No. 6 of 2005

Workman Union	: Shri K. Hashim Rep. by the General Secretary, Federal Bank Staff Union Bank Junction Aluva-683 101. By Advocate Shri Ashok B. Shenoy.
Management	: The Chairman Federal Bank Limited Head Office Federal Towers Aluva-683.101. By Advocate Shri P. Shankaranarayanan.

AWARD

This is a reference made by Central Government under Section 10 (1) (d) of Industrial Disputes Act, 1947 to this court for adjudication. The reference is:

“ Whether the punishment of reduction of basic pay by one stage, imposed on Shri K. Hashim, for alleged misconduct, by the Federal Bank Limited is justified? If not, what relief is the workman entitled to?”

2. Originally on the basis of a reference dated 30.9.2004, my predecessor had passed an Award. Before it was published and became enforceable a second reference was sent on 6.6.2005 as in the first reference the punishment portion alone was the subject of dispute. After the second reference this court passed an award on 13.9.2005. That was challenged in writ petition W.P. (C) No.36059 of 2005. The award was set aside by the Hon'ble High Court by its order dated 13.3.2006 directing this court to re-consider

the matter *de novo*. Thereafter both sides were heard. No additional evidence was adduced. The evidence earlier tendered consists of Exts. M1 & M1(a) only.

3. According to the workman, while he was working as a sub-staff at Vadakara branch of Federal Bank a memo was issued to him on 31.7.2002 alleging certain misconduct and negligence on his part. It was followed by a domestic enquiry in which he was found guilty and a punishment of reduction of basic pay by one stage was imposed. According to him the enquiry report is vitiated by procedural irregularities, violation of principles of natural justice and bias attitude of enquiry officer. The punishment imposed is disproportionate to the guilt. The evidence is inadequate to substantiate the charge. The charge levelled against him amounts to minor misconduct only. But the punishment imposed is for major misconduct. The mitigating circumstances of the workman were not taken into consideration by disciplinary authority while imposing punishment.

4. The management contends that except in case of dismissal or discharge this court has no jurisdiction to entertain a dispute regarding punishment only. The workman was entrusted with two treasury tokens for surrendering them in SBT branch at Vadakara and getting the proceeds credited to the account of Federal Bank. He was late to SBT and therefore the tokens could not be surrendered. When the manager of the bank questioned the workman, he got angry and misbehaved. Hence disciplinary proceedings were initiated against him. The enquiry was conducted in a fair and proper manner complying with the procedural formalities of enquiry. The findings of enquiry officer are based upon the evidence in the enquiry. A notice proposing punishment was given to the workman.

5. In the light of the above contentions the following points arise for consideration :

- (i) Whether enquiry was conducted in a fair and proper manner?
- (ii) Is the workman guilty of misconduct, whether major or minor?
- (iii) Can this court interfere with the punishment? If so, is the punishment proportionate to the guilt?
- (iv) Reliefs and costs.

6. Point No.(i):

The allegation is that the enquiry was not fair. According to the workman the procedural formalities were not followed and principles of natural justice were not complied with by the enquiry officer. Ext. M1 is the enquiry file. The enquiry proceedings show that the contention of the workman is without any basis. The workman had received chargesheet, he was represented by another staff of the department in the enquiry and he was given ample

opportunity to adduce evidence. He cross-examined the management witnesses and he was heard before a finding was recorded. Therefore, the contention in the claim statement of the workman that the enquiry was not fair has no foundation. I find no infirmity in the procedure adopted by the enquiry officer. The point has to be answered against the workman.

7. Point No. (ii)

The allegation against the workman is that on 29-6-2002 he was sent to State Bank of Travancore, Vadakara Branch for surrendering two tokens issued from Treasury and getting the proceeds credited to the account of Federal Bank, Vadakara Branch. The workman reached SBT, Vadakara Branch late and therefore could not surrender the tokens. He came back to Federal Bank very late, by 1.30 p.m. When the Manager questioned him, he turned wild and murmuring something, forced out of the cabin. The incident is denied by the workman. According to him he was fully engaged from 10.00 a.m. to 12.30 p.m. on 29-6-2002, attending to other duties (cheque encashment in SBT and post office duty). It was thereafter that the tokens were handed over to him, by 12.30 p.m. By the time he reached SBT the business hours for government departments was over and therefore he could not surrender the tokens. He denies negligence and misbehaviour on his part.

8. Before the enquiry officer 3 management witnesses were examined as MWs 1 to 3 (Ext. M1 file). Regarding business hours of SBT, Vadakara Branch on Saturdays, both sides raised serious dispute. Though the management witnesses say that the business hours for government transactions in SBT, Vadakara Branch is up to 12.30 p.m. the very letter of Manager of SBT, Vadakara Branch speaks otherwise. Ext. DE2 in Ext. M1 is the letter dated 25-2-2003 issued from SBT, Vadakara Branch by Chief Manager. As per that letter the business hours for government departments on Saturdays is from 10.00 a.m. to 12.00 noon and for other banking departments 10.00 a.m. to 12.30 p.m. There is no dispute that the tokens issued from the Treasury pertained to government cheques issued to a contractor. Since the transaction relates to a government department the business hours was only up to 12.00 noon on Saturday. That gives a quietus to the controversy regarding business hours of SBT, Vadakara Branch.

9. The next relevant aspect to be considered is, had the workman been entrusted with tokens on time for him to reach the bank on time. MW1 is the manager of Federal Bank, Vadakara Branch. MW3 is the Assistant Manager of the same bank. MW3 was the custodian of tokens. Tokens were received from the Treasury sometime in April, 2002 and were kept by him due to Treasury ban till 29-6-2002. According to MW3, the tokens were handed over to the workman at 11.30 a.m. The workman had left for SBT at 11.45 a.m. He returned only by 1.15 p.m. MW1 manager had instructed the workman to attend to the token

transaction duty. According to him the workman went to SBT from Federal Bank at 11.45 a.m. and returned by 1.30 p.m. In the chief examination he did not mention the time at which he had instructed the workman to go to SBT. In the cross-examination he said that the tokens were entrusted by MW3 sometime between 11.30 a.m. and 11.45 a.m. According to him the time required to reach SBT from Federal Bank by walk is 15 minutes. It is an admitted fact that the workman was entrusted with some other duties prior to the token transaction. That was for remittance of money in SBT as well as post office duty. The workman was sent to post office at about 10.45 a.m. The distance to post office is 10 minutes by walk. It is after returning from the post office that tokens were entrusted to the workman. MW2 is Manager (Administration) of Federal Bank, Vadakara Branch. He had neither entrusted tokens nor instructed the workman to go to SBT for surrendering tokens. Therefore, he is not competent to say as at what time the workman had gone to SBT for surrendering the tokens or returned to Federal Bank. Both MW 1 & MW 3 say that the workman had left for SBT with tokens at 11.45 a.m. These witnesses have no case that the workman was late to leave for SBT after entrustment of tokens and instruction of MW 1. It means that the tokens must have been entrusted and permission to go to SBT must have been given not earlier than 11.45 a.m. Ext. DE1 charge-sheet as well as para 3 of the written statement of the management before this court is silent about the time at which tokens were entrusted, but merely states that the workman had left for SBT at about 11.45 a.m. and returned by 1.30 p.m. This is yet another circumstance to indicate that the tokens were not entrusted earlier than 11.45 a.m. It is admitted by MW1 that it takes 15 minutes to reach SBT by walk. The workman had gone to SBT by walk and not by vehicle. Naturally, he could have reached there only by 12.00 noon. If other customers were there he had to wait for his turn. By 12.00 noon the business hours for government departments got over (Ext. DE2 in Ext. M1). There was no special instruction to the workman regarding urgency of the transaction. So the workman would have treated it as a routine transaction. Assuming that the workman had pressed for surrender of tokens, SBT was not bound to accede to the request as the business hours were over. Therefore, the workman cannot be found fault with for not executing the work entrusted. If the tokens were given to him sufficiently early this would not have happened. It is no doubt true that the workman, in his anxiety to wriggle out of his liability has made many acrobatic attempts by saying that tokens were entrusted to him at 12.30 p.m. and before that he was attending to other duties like money remittance in SBT, post office duty and Bank Counter duty. But they are to be viewed only as acts of defence.

10. The burden is on the management to prove that the findings are based on evidence. Since the tokens were entrusted only at 11.45 a.m. the workman is in no way

responsible in the transaction. Ext. DE1, the relevant page of Cash in Transit Register of Federal Bank relied on by the workman to show that he was on some other duty at 10.50 a.m., even if true, does not affect or clash with the timing of disputed transaction and hence is consequential. The last duty entrusted to the workman before noon was token transaction. That was at 11.45 a.m. However, there is no satisfactory explanation by the workman as to why he was late to return to Federal Bank from SBT. Ext. DE3 is the reply of workman to the charges. There it is stated that he was entrusted with tokens at 12.40 p.m. and he reached SBT at 12.50 p.m. and returned to Federal Bank at 1.15 p.m. MW3 also says that sometime around 1.15 p.m. the workman had returned, but he is not very sure. It is an undisputed fact that as soon as the workman came back, he went into the cabin of MW1, the manager, to inform him about the transaction. According to MW1, the workman came back only by 1.30 p.m. The workman was not able to prove his contention that tokens were entrusted to him only at 12.40 p.m. or that he had returned by 1.15 p.m. Assuming that he had returned by 1.15 p.m. even then there is no satisfactory explanation as to why he took so much time to return from SBT after having reached there at 12.00 noon. In the absence of any satisfactory explanation and evidence on the side of the workman the version of MW1 has to be accepted and found that the workman returned only by 1.30 p.m. and to that extent he was negligent. If any loss is caused to the bank due to non-surrender of tokens and getting the proceeds credited to the account of Federal Bank, the workman is not at fault. But it is to be noted that the enquiry officer disregarding documentary evidence of Ext. DE2 written by the Chief Manager of SBT noting the business hours of the bank, accepted the version of MW1 that the business hours of SBT on Saturdays is up to 12.30 p.m. for government departments. It was not fair on the part of enquiry officer to brush aside the documentary evidence having authenticity for accepting the version of the Manager of Federal Bank. Thus, as far as the token transaction is concerned, the workman had not committed any negligence, but he was late to return and report to the manager and to that extent he was at fault and it amounts to minor negligence in performing duties.

11. The next allegation against the workman is that he had misbehaved to the Manager of the Federal Bank, MW1. It is said that the workman after returning from SBT, went into the cabin of the manager to inform him about the transaction. The manager questioned the workman about the reason for non-surrender of tokens. The workman became angry and murmuring something, went out of the cabin shutting the door with a bang. This version was given by MW1, the Manager. Nobody else was there in the cabin. MW2, Manager (Administration) is said to have witnessed the incident of misbehaviour. But in the cross-examination he said that he was not always watching

the cabin of the manager as he himself was busy with his work. Hearing the creaking sound of the door of the cabin of the manager his attention was drawn to that side. He saw the workman coming out of the cabin murmuring something. The witness says that the workman was talking to the manager something seriously and it should have been regarding the token transaction. MW3 is the Assistant Manager. But he did not witness the alleged misbehaviour. It is to be noted that MW1 in the cross-examination (page 20 of Ext. M1) stated that his cabin door is fitted with door closer. To a question by the defence representative that if door closer is fitted, will not the door get closed slowly, the answer was that it would close only slowly if not disturbed. MW1 did not say that door closer was not in proper condition or not functional. It means that the workman could not have banged the door with a loud noise even if he wanted. I wonder how MW3 could hear the sound of the slamming of the door and witness the misbehaviour of the workman. When the workman entered the cabin of the manager the atmosphere was calm and he did not foresee that the manager was going to take him to task. It was only after the manager pulled him up that the workman is said to have got wild. The possibility to slam the door arises only thereafter and that too when he was going out of the cabin. How then could MW3 hear or notice the conversation before hearing the sound of the door. Since the door was fitted with door closer there would not have been any noticeable sound while opening or closing the door. If the witness says otherwise he is only trying to support another officer (MW1). No staff was examined. There is no satisfactory evidence to prove that the workman had misbehaved.

12. The Bipartite Settlement of 1995 which was updated in 2002 refers to gross misconduct in Clause 5. It reads:

“By the expression “gross misconduct” shall be meant any of the following acts and omissions on the part of the employee:

- (a) engaging in any trade or business outside the scope of his duties except with the written permission of the bank;
- (b) unauthorized disclosure of information regarding the affairs of the bank or any of its customers or any other person connected with the business of the bank which is confidential or the disclosure of which is likely to be prejudicial to the interests of the bank;
- (c) drunkenness or riotous or disorderly or indecent behaviour on the premises of the bank;
- (d) willful damage or attempt to cause damage to the property of the bank or any of its customers;

- (e) willful insubordination or disobedience of any lawful and reasonable order of the management or of a superior;
- (f) habitual doing of any act which amounts of "minor misconduct" as defined below, "habitual" meaning a course of action taken or persisted in, notwithstanding that at least on three previous occasions censure or warnings have been administered or an adverse remark has been entered against him;
- (g) willful slowing down in performance of work;
- (h) gambling or betting on the premises of the bank;
- (i) speculation in stocks, shares, securities or any commodity whether on his account or that of any other persons;
- (j) doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss;
- (k) giving or taking a bribe or illegal gratification from a customer or an employee of the bank;
- (l) abetment or instigation of any of the acts or omissions above mentioned;
- (m) knowingly making a false statement in any document pertaining to or in connection with his employment in the bank;
- (n) resorting to unfair practice of any nature whatsoever in any examination conducted by the Indian Institute of Bankers or by or on behalf of the bank and where the employee is caught in the act of resorting to such unfair practice and a report to that effect has been received by the bank from the concerned authority;
- (o) resorting to unfair practice of any nature whatsoever in any examination conducted by the Indian Institute of Bankers or by or on behalf of the bank in cases not covered by the above Sub-Clause (n) and where a report to that effect has been received by the bank from the concerned authority and the employee does not accept the charge;
- (p) remaining unauthorisedly absent without intimation continuously for a period exceeding 30 days;
- (q) misbehaviour towards customers arising out of bank's business;
- (r) contesting election for Parliament/Legislative Assembly/Legislative Council/Local Bodies

Municipal Corporation/Panchayat without explicit written permission of the bank;

- (s) conviction by a criminal Court of Law for an offence involving moral turpitude;
- (t) indulging in any act of 'sexual harassment' of any woman at her workplace.

None of the sub-clause of Clause 5 regarding gross misconduct is attracted in the case of the workman.

Minor misconduct is defined in Clause 7 of the Settlement. It reads:

"By the expression "minor misconduct" shall be meant any of the following acts and omissions on the part of the employee:

- (a) absence without leave or overstaying sanctioned leave without sufficient grounds;
- (b) unpunctual or irregular attendance;
- (c) neglect of work, negligence in performing duties;
- (d) breach of any rule of business of the bank or instructions for the running of any department;
- (e) committing nuisance on the premises of the bank;
- (f) entering or leaving the premises of the bank except by an entrance provided for the purpose;
- (g) attempt to collect or collecting moneys within the premises of the bank without the previous permission of the management or except as allowed by any rule or law for the time being in force;
- (h) holding or attempting to hold or attending any meeting on the premises of the bank without the previous permission of the management or except in accordance with the provisions of any rule or law for the time being in force;
- (i) canvassing for union membership or collection of union dues or subscriptions within the premises of the bank without the previous permission of the management or except in accordance with the provisions of any rule or law for the time being in force;
- (j) failing to show proper consideration, courtesy or attention towards officers, customers or other employees of the bank, unseemly or unsatisfactory behaviour while on duty;

- (k) marked disregard of ordinary requirements of decency and cleanliness in person or dress;
- (l) incurring debts to an extent considered by the management as excessive;
- (m) resorting to unfair practice of any nature whatsoever in any examination conducted by the Indian Institute of Bankers or by or on behalf of the bank in cases not covered by sub-clause (n) under 'Gross Misconduct' and where a report to that effect has been received by the bank from the concerned authority and the employee accepts the charge;
- (n) refusal to attend training programmes without assigning sufficient and valid reasons;
- (o) not wearing, while on duty, identity card issued by the bank.
- (p) not wearing, while on duty, the uniforms supplied by the bank, in clean condition."

Sub-clause (c) of Clause 7 is the relevant minor misconduct applicable in this case and no other kind of misconduct is applicable. Hence I find that the conduct of the workman amounts only to minor misconduct coming under Clause 7 (c) of Bipartite Settlement.

13. Point No. (iii) :

It is argued by the learned counsel for the management that it is not the province of the Labour Court to interfere with the punishment imposed by the disciplinary authority except u/s 11-A of I.D. Act, i.e. when there is dismissal or discharge of the workman. The answer is given by the Hon'ble High Court in the order in which this court's award was set aside. In para 7 it is observed that *de hors* the powers u/s 11-A in an industrial dispute regarding punishments other than discharge or dismissal, the Labour Court/Industrial Tribunal does have the power to examine whether the management has violated the terms of a binding settlement while imposing punishment. This power cannot be regarded as one in the exercise of the powers u/s 11-A of the Act, but it is in exercise of the powers of adjudication of dispute itself *de hors* S. 11-A. Therefore, what is relevant is to see whether disciplinary authority has violated the terms of settlement while imposing punishment. I have found that the misconduct of the workman is only minor. The punishment for minor misconduct is provided in Clause 8 of the Bipartite Settlement. They are :

- (a) be warned or censured; or
- (b) have an adverse remark entered against him; or
- (c) have his increment stopped for a period not longer than six months.

The disciplinary authority can impose only one of these penalties for minor misconduct. The punishment imposed is reduction of basic pay by one stage which falls under Clause 6 (e). It reads: "(guilty) be brought down to lower stage in the scale of pay up to a maximum of two stages". It is a punishment for major misconduct. Reduction of basic pay by one stage affects the whole service of the workman. As per the Bipartite Settlement the disciplinary authority is not empowered to impose punishment of that nature for minor misconduct. The management has no case that the workman's past conduct is bad or unsatisfactory. The charge-sheet, Ext. DE 1 is silent about the past conduct of the workman. The last but one paragraph of the Enquiry Report (page 8 of the report) specifies that the manager (MW1) had not stated anything against the past conduct of the workman. In the absence of any such adverse remarks about past conduct it was not proper to impose such punishment. Considering the nature of the misconduct and taking into account the unblemished past I feel that it is enough to warn the workman against future recurrence as provided in Clause 8 (a) of the Bipartite Settlement. Found accordingly.

14. Point No. (iv) : (See Award Portion)

15 In the result an award is passed finding that the misconduct committed by the workman is only negligence in performing duties coming under Clause 7 (c) of the Bipartite Settlement for which punishment of warning under Clause 8 (a) will be sufficient penalty.

The disciplinary authority has to impose and substitute the punishment afore-mentioned and give back all service benefits due to the workman and withheld by the management. The parties will suffer their respective costs. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 27th day of June, 2006.

P.L. NORBERT, Presiding Officer

APPENDIX

Witness for the Workman : Nil

Witness for the Management : Nil.

Exhibits for the Workman : Nil.

Exhibits for the Management :

MI Statement of witnesses (MW 1 to 3) and Exts. (E1 to 5, ME 1 to ME 14 and DE 1 and 2. MI (a) -Miscellaneous papers of enquiry.

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 77/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/53/95 आईआर (बी-11)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2006

S.O. 3146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 77/95) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 13-7-2006.

[No. L-12012/53/95-IR (B.11)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE: SHRI SANT SINGH BAL, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL NO. 1, NEW DELHI**

I.D. No. 77/95

In the matter of dispute between :

Shri Shiv Singh S/o Shri Lal Singh,
Through General Secretary,
U.P. Bank of Baroda Employees Union,
(Western Zone), Central Office,
Weli Bazar Branch,
Ghanta Ghar,
Meerut-250002

....Workman

Versus

Regional Manager,
Bank of Baroda,
R.O. 1, Sankalan Civil Lines, Motia Varoa,
Haldwani,
Distt. Nainital (U.P.)

....Management

Appearances : Shri J. Buther for the workman.
Shri T.C. Gupta for the management.

AWARD

The Central Government in the Ministry of Labour vide its order No. L-12012/53/95-I.R (B-2) dated 25-7-95

has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the demand of the U.P. Bank of Baroda Emp. Union (W.Z.) Meerut on the management of Bank of Baroda, Haldwani for permanent absorption of Shri Shiv Singh, against the post of Peon is justified? If so, what relief is the said workman entitled to?"

2. Brief facts of this case as culled from record are that Shri Shiv Singh, (hereinafter referred to as the workman), was taken in service as Peon from 1-11-87 in an existing permanent vacancy of the post of Peon at Patlot branches of the bank under its Haldwani Division. The workman was required to produce all his necessary certificates and was given appointment after being found eligible and suitable for the appointment in the subordinate staff cadre as per norms of the bank. Though the vacancy in which the workman was appointed from 1-11-87 was a permanent one, but the management adopted an unfair labour practice of paying to workman only nominal paltry wages of Rs. 15/- per day upto 12-3-88 which was raised to Rs. 18/- per day from 1-6-88 and Rs. 20/- per day from 1-6-89 which were being paid to him till 28-3-90 when his services were abruptly terminated by way of oral orders and without any prior notice and also without assigning any reasons thereof. It is further stated that after coming to know of Bank's Advertisement published in Hindi Amar Ujala in 1990 that the Bank was going to absorb even the temporary employees on permanent staff he submitted an application dated 22-10-90 to the Head Office of the Bank along with copies of all necessary certificates etc. for consideration of his case for appointment/absorption in service of the bank in view of his long past service of 872 days at Patlot Branch copies of which are placed on record. When the workman did not hear anything about his application dated 22-10-90 he submitted another letter dated 3-6-92 for claiming appointment as a regular peon copy of which is also placed on record and again on 3-3-93, another letter was submitted which is also placed as Annexure W/3, and ultimately the Regional Manager vide letter dated 24-4-93 asked Patlot Branch for submitting all the necessary papers regarding the case of the workman for absorption and in reply the Manager of that branch submitted the necessary information/particulars vide his letter dated 10-5-93 (Annexure W/4). In the meanwhile pending consideration of the case of workman for absorption he was again taken up in service from 11-4-93 but instead of paying him scale wages of a peon he was paid only Rs. 20/- per day and Rs. 25/- per day from 6-5-93 and Rs. 35/- per day from 10-8-93. Aggrieved by the said action of the management the workman raised an industrial dispute before the A.L.C. Dehradun on 28-2-94. It is further averred that apprehending termination of service of the workman the union addressed a letter dated 11-3-94 to the A.L.C. requesting for the dispute being seized in conciliation and for issuing

appropriate directions to the management and then on receipt of the letter of the union the ALC issued a notice fixing 12-4-94 for conciliation proceedings and directing the management to maintain status quo till the finalisation of the dispute. In spite of the notice of the ALC dated 25-3-94, the management terminated the services of the workman on 7-4-94 by way of oral orders without assigning any reasons. The Union addressed a complaint dated 28-4-94 against the mgt. For acting in breach of S. 33E of the I.D. Act and following the Union's complaint and intervention of the A.L.C., the workman was allowed to rejoin duty vide letter dated 27-5-94 and after re-appointing the workman from 28-5-94 the manager of the branch confirmed this to Regional Manager by a letter dated 28-5-94 Annexure W/8. That although Patlot Branch has already conveyed to the Regional Office all necessary particulars about the workman and his appointment etc. in response to the queries of the Regional Office before the second termination of his services from 7-4-94 but for reasons best known to the Regional Office they again asked for the particular from Patlot Branch vide letter dated 31-3-94 and in reply vide letter dated 12-4-94 confirmed *inter alia* that the workman was earlier appointed from 1-11-87 at the time of opening of the branch and again from June, 1993 under the instructions of the Regional Office. That soon after the failure of conciliation proceedings before the ALC in the industrial dispute raised by the Union, the services of the workman were once again terminated vide letter dated 7-3-95 of the Patlot Branch. (W/9). Immediately after terminating the service of the workman the management appointed one Shri Chandra Prakash in the post/vacancy. It is further averred that on the facts stated above the demand of the union for absorption of the workman against the post of Peon is well justified. It is, therefore, prayed that the Hon'ble Tribunal may be pleased to answer the present reference in favour of the workman and to pass an award with directions for the reliefs stated in the claim statement and such other reliefs as the Hon'ble Tribunal may deem fit and proper to be awarded to the workman in the facts and circumstances of the case with costs.

3. The management contested the claim by raising preliminary objection that this court has no jurisdiction and competent to grant relief of regularization/absorption in service. Moreover the S.C. had laid down that regularization/absorption on permanent basis of ad-hoc/daily wages is illegal and the employee is required to be recruited in accordance with the procedure established by law. The demand of the workman to regularize him is not tenable in law.

4. On merits the averments regarding the appointment of workman that he was appointed and working with the respondents are stated to be matter of record. However, his claim for absorption in bank service is denied. It is denied that Shiv Singh was given any appointment as claimed or he was required to submit copies of his testimonials. He further stated that the payments to the

workman were made for the days he worked as ad hoc daily wage employee and the same is matter of record. He was not appointed on regular basis, therefore, question of his termination as claimed does not arise. He being a daily wager on muster roll was not required to mark his attendance as per norms and practice of the respondent. It is further stated that the workman Shiv Singh did not hold an appointment capable of being continued therefore there never was any question of termination of the same as contended by the union. It is further stated that the workman was never employed in respect of the respondents—bank advertisement. No discrimination as claimed has been meted out to the workman and the recommendation of the bank manager, if any were not bona fide and being contrary to the recruitment procedure norms do not entitle the claimant/workman to claim absorption on permanent basis. The ad-hoc daily wager employees are not entitled to wages for Sundays and Holidays. The respondent has not appointed any person as named by the Union. The submissions/contentions of the Union in the claim statement are misplaced based on legal misconceptions and the same are denied. The workman is not entitled to any declaration/relief sought for. His claim is liable to be dismissed.

5. Written statement was followed by rejoinder wherein facts of the claim statement were reiterated to be correct.

6. After completion of pleadings the workman examined himself as WWI and management examined Shri K.S. Simmhar, Acting Manager (Personnel) as MWI and closed its evidence.

7. I have heard Shri J. Buther, Advocate A/R for the workman and Shri T.C. Gupta, Advocate A/R for the management and they substantiated their respective claims.

8. Workman claims that he was appointed as Peon on 1-11-87 against permanent vacancy and he was appointed from time to time. He is claiming regularization. On the contrary respondent case is that the workman was appointed on ad hoc basis as daily wager. His engagement was ad hoc as daily wager on ad hoc basis from time to time. In view of the Supreme Court decision reported in 2006 (4) Scale 197 captioned as Secretary State of Karnataka and others Vs. Uma Devi and others Supreme Court has held that a public employment in a sovereign socialist secular democratic republic, has to be as set down by constitution and the laws made there under. Our constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark, and the Constitution has provided also for affirmative action to ensure that unequal are not treated equals. Thus any public employment has to be in terms of the constitutional scheme.

9. In the instant case Bank-respondent bank of Baroda is a public undertaking and is an instrumentality of State and the recruitment to any post by the respondent is required to be made as per procedure established by the laws. Thus any public employment has to be in terms of the constitutional scheme. Supreme Court has further held that "a temporary employee could not claim to be made permanent on the expiry of his term of appointment. It has also to be clarified that merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent merely because on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by relevant rules. It is not open to the court to prevent regular recruitment at the instance of the temporary employees whose period of employment has come to an end or of ad hoc employees who by the very nature of their appointment, do not acquire any right."

10. In view of the above discussion in the above said case the demand of the claimant U.P. Bank of Baroda Employees Union for permanent absorption/regularization of the workman in service as Peon is not tenable in the eye of law and the workman is not entitled to be regularized in services as claimed. Reference is answered accordingly. File be consigned to record room.

Dated 11-7-06 S.S. BAL, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ 3147.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट (संदर्भ संख्या 30/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/206/2002-आई आर(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2006

S.O 3147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 30/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank and their workman, received by the Central Government on 13-7-2006.

[No. L-12012/206/2002-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JAIPUR

Case No. CGIT -30/2003.

Reference No. L-12012/206/2002-IR (B-II)

Sh. Rajveer Singh,
JS-10A, Railway Loko Colony,
Jaipur-302001Applicant

Versus

The Regional Manager,
Punjab National Bank,
Regional Office,
PNB House, Nehru Place,
Tonk Road, JaipurNon-applicant

Present:

Presiding Officer : Sh. R.C. Sharma.
For the applicant : Sh. R.C. Jain.
For the non-applicant : Sh. Rajendra Arora.
Date of award : 26.6.2006

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of Sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this tribunal which runs as under :

"Whether the action of the management of Punjab National Bank in dismissing Shri Rajveer Singh from service w.e.f. 15-12-2001 is legal and justified? If not, what relief is the workman concerned entitled to?"

2. The workman's case is that while he was working as clerk/cashier in the Dhamani branch of the non-applicant bank, he was suspended on 10-10-91 and was charge-sheeted on 16-11-91 by the Branch Manager. He has denied the imputations levelled against him and has assailed the fairness of domestic enquiry and the impugned punishment order by raising various grounds in his claim statement. On conclusion of the domestic enquiry, the charges were found proved against him and his services were terminated w.e.f. 15-12-2001 by the disciplinary authority.

3. Resisting the claim, the non-applicant has supported the punishment order.

4. After hearing both the parties on the preliminary issue of the fairness of the domestic enquiry, this Court vide its order dated 17-3-2004 found the enquiry to be improper and defective. The non-applicant sought the opportunity to lead the evidence to justify the charge levelled against the workman, which was accorded to him.

5. In the evidence, on behalf of the bank the affidavits

of MW-1 KL Datwani, Ex Sr. Manager and MW-2 GL Bhatia, Sr. Manager were placed on the record. In the rebuttal, workman has submitted his affidavit. All these witnesses were cross-examined by the respective opposite representative.

6. After conclusion of the evidence the case was posted for hearing the final arguments. On 2-9-2005, the workman moved an application to take on record the certified copies of the management witnesses who were examined by the management during the trial of criminal case against him, which after hearing were taken on the record vide order dated 16-9-2005. After pronouncing the order, on the same date an application was moved to award him the full salary in the form of subsistence allowance and to strike off the defence of the bank, which was heard on 18-10-2005 and was rejected on 17-11-2005. The case was thereafter posted on 29-11-2005 for submission of final arguments. On this date, the workman sought an adjournment on the ground that his representative is busy in another case in the office of Assistant Labour Commissioner. The adjournment was opposed on behalf of the bank by stating that the workman is getting the subsistence allowance and these are the delaying tactics. Taking a lenient view, an opportunity was granted to the workman and it was noted that in the event of not arguing the case on the next date on behalf of the workman, the ex parte arguments will be heard and the case was fixed on 19-12-2005. On this date, the workman stated before the Court that his representative Sh. R.C. Jain is ill and could not come. Again the opportunity was given to the workman and the case was posted on 10-1-2006. On this date, the arguments on behalf of the workman could not be concluded and the case was fixed on 7-2-2006. On this date, the Id. representative for the workman raised some unnecessary objections in order to evade the hearing of the case and even moved a false and baseless application alleging bias and seeking adjournment to move the transfer application. The case was then fixed on 24-2-2006 with an opportunity that the workman is granted 15 days for transfer of his case. On this date, the workman was present, but his representative was absent and the case was then adjourned to 8-3-2006 for arguments. On this date, again the representative for the workman sought the adjournment, which was strongly objected on behalf of the bank on the count that the workman is mala fidey lingering on the case. Again, the last opportunity was given to the workman and the case was fixed for 24-3-2006. On this date, the Id. representative for the workman presented an application to summon the original documents, which was heard on the same date and the case was fixed for order on 29-3-2006. On 29-3-2006, it was rejected with cost of Rs. 300/- and both the parties were directed to file their written submissions before the Court. On 24-4-2006, both the parties sought the adjournment. On 12-5-2006, the representative for the bank submitted his written submissions. The workman moved an application that since

he has not got the certified copies, again an adjournment for 15 days was sought. Considering the delaying tactics, the application was rejected. A copy of the written submission was provided to the workman with liberty to file his written submission before the Court till 22-5-2006. On 22-5-2006, the workman moved an application for granting him an adjournment to file the written submission, which was disallowed and the award was reserved. Till today, no stay order/transfer order of the case has been received by this Court.

7. It transpires that the transfer application was doctored motivatedly by the Id. representative for the workman Sh. R.C. Jain to delay the proceedings of the case, which is a highly sad reflection on the attitude of indifference towards the dignity of the court. The Id. representative has even indulged in the blame game. It is evident that such stalling tactics on behalf of the workman to drag the proceedings of the case for an unlimited period despite the fact that more than sufficient opportunity were awarded to him for submission of the arguments.

8. Following the principle that "justice wears a veil of impartiality, but is neither blind nor helpless", I proceed to examine the case on the basis of the arguments already advanced by the Id. representative for the workman and the pleas incorporated by the workman and the written submissions filed by the non-applicant before this Court.

9. I have scanned the record.

10. On behalf of the workman, it has been contended that by the language used in the charge sheet it appears that the disciplinary authority had a biased mind on the counts that he has presumed that the pay in slip was filled in by the workman and was signed by him and the forged entries were entered by the workman.

11. Countering this submission, the Id. representative for the bank contends that this issue was already raised on behalf of the workman and it was decided by this Court.

12. A peep into the order dated 17-3-2004 passed by this Court on the issue of fairness of domestic enquiry, reveals that this contention was advanced on behalf of the workman by stating that the charges are the conclusive decisions of the authority and are affirmative assertions. It was discussed at paras 13 to 19 and the submission was rejected. Accordingly, this submission cannot be reagitated now and is disallowed.

13. The next submission advanced on behalf of the workman is that MW -1 K.L. Datwani and MW - 2 GL Bhatia have not exhibited any document in their affidavits. Therefore, the documents cannot be considered to be the basis for proving the charges. His next submission is that all the evidence produced by the management is heresy

and there is not even a single witness to state that he had seen the incident. The Ld. representative has also assailed that their testimony is contradictory.

14. On the contrary, the Ld. representative for the bank contends that the objection raised by the workman is contrary to the facts. The management witnesses have proved the documents and the workman has also referred to Ex. M-1 submitted by the bank. His further submission is that both these witnesses were also produced during the departmental enquiry who have proved the documents as well as the charge levelled against the workman.

15. The charge-sheet dated 16-11-91 says that on 17-7-91 the delinquent submitted a cheque number QJR-310 900 pertaining to the savings account No. 4748 in the Dhamani Branch of Punjab National Bank, before the Subodh College Branch of Bank of Rajasthan, Jaipur for collection in his account No. 3614 and filled the pay in slip himself and put his signature thereon. The cheque was received by the Dhamani Branch on 18-9-91 which was posted into clearing journal. It could not be debited into the account No. 4748 since on releasing the cheque, it was got disappeared by the delinquent. Thereafter the delinquent debited fraudulently in the savings account log book. When it came to the notice on 7-10-91 and 8-10-91 that how the entry of Rs. 10,000 in account number 4748 could not be posted in the ledger sheet then the delinquent absented himself from duty on 9-10-91. He then got forged a letter in the name of Bank of Rajasthan and returned the cheque along with it. This cheque belonged to the cheque forms from QJ831055-310900 which was deposited by the account holder and one of the aforesaid cheques was filled by the delinquent in the name of B.N. Singh and R.B. Singh. He also forged the signature of Md. Rafiq and thereafter filled the pay in slip by himself and he put his signature on it and submitted before the Bank of Rajasthan.

16. MW-1 K.L. Datwani who had conducted the preliminary enquiry against the delinquent has narrated the aforesaid facts in his affidavit. In his cross-examination, he has exhibited M-3 belonging to Lavi Singhal and has stated that the cheque Ex. M-1 has been cross-lined which means that it can be credited into account only. He has further stated that either it would be credited in the account of the payee or in the account of any other person endorsed by him. He has further stated that pay in slip was filled in the name of Rajveer Singh and he had compared the signature of the delinquent put on the pay in slip with his specimen signature. Further he has pointed out that the account opening form Ex. M-1/77-73 bears the signatures of the delinquent and has firmly stated that the pay in slip also bears the signature of Rajveer Singh in English. He has further pointed out that he too enquired this matter from the Bank Manager of Bank of Rajasthan. This witness has been cross-examined at length by the ld. representative for the workman but he could not be shaken in his cross-examination.

17. Similarly, MW-2 G.L. Bhatia has also testified the said fraud committed by the delinquent and has affirmatively pointed out that Ex. M-1/18 is the same cheque which was stolen. He has also stated that D.D. Goel and Vinay Chhabra, the employees of the Dhamani Branch had disclosed him that the cheque was stolen by the delinquent and was credited in his account at Subodh College Branch of the Bank of Rajasthan, Jaipur. He has firmly stated in his cross-examination that he identifies the handwriting of the delinquent and the handwriting on the Annexures 18 and 25 to Ex. M-1 belongs to the same person. He has further stated that from Annexure 25, it is clear that this cheque was credited by the delinquent by putting his signature. He has also stated that he identifies the delinquent's signature in English since he has seen him putting his signatures in the English. The reason thereof he has also assigned by stating that he was working with him. He too could not be shaken in his cross-examination.

18. Both these witnesses are independent witnesses who are well-conversant with the facts of the case and can be termed as material witnesses. Their evidence inspires the confidence of the Court. Nothing has cropped up to disbelieve or discard their testimony. As such, the contention advanced on behalf of the workman that it is a no evidence case is unsustainable and deserves rejection.

19. The Ld. representative for the Bank has referred to the decision reported in Shashikant v. MD, Central Bank of India & Ors., wherein the Hon'ble Apex Court has observed that in the event the maker of the document is not produced the enquiry would not be vitiated simply on this count. It lends support to the submission advanced on behalf of the bank.

20. So far as the contention regarding the heresy evidence is concerned, it can be observed here that the documents produced by the management have been proved by MW-1 K.L. Datwani and MW-2 GL Bhatia. Ex. M-1/18 is the aforesaid cheque which has been issued under the forged name of Md. Rafiq and Ex. M-1/25 is the pay in slip which was filled in by the delinquent himself who put his signature in English form E to F thereon. There is unrebuttable circumstantial evidence on the record which leads to infer that in all the probabilities it was the delinquent alone who committed this fraud. Moreover, his signatures have also been verified and proved by the management witnesses. Therefore, this submission that on the basis of the heresy evidence only the charge has been found to be proved cannot be accepted and is negated accordingly.

21. The Ld. representative for the workman then has contended that the signatures of the delinquent have not been verified by any handwriting expert and the specimen signatures have not been produced before the Court.

22. Per contra, the Ld. representative for the bank contends that it was not necessary to get the signatures verified from any handwriting expert and the delinquent himself has admitted with regard to making of the entries of cheque.

23. WW-1 Rajveer Singh has stated in his cross-examination that the entry at Annexure 6 to Ex. M-1 at page 145 was made by him, that Ex. M-1/24 is the account opening form which contains his signature between A to B, that pay in slip Ex. M-1/25 bears the account number 3614 and has been filled in his name. These facts do not necessitate the verification of the signature on the cheque and pay in slip by the hand writing expert. Moreover, in (2003) 3 SCC 583, referred to on behalf of the bank, the Hon'ble Supreme Court has held that irrespective of the opinion of the handwriting expert, authorities can compare the admitted writing with the disputed writing and come to their conclusion. It is further held that the preponderance of probabilities and some material on record are necessary to arrive at a conclusion about the guilt of the delinquent. The submission, therefore, canvassed by the Id. representative for the bank is fortified by the decision and the submission made on behalf of the workman is repelled accordingly.

24. It has also been contended on behalf of the workman that the cheque in question was destroyed as per the record of the bank, but the concerned officer who destroyed it has not been produced. The Id. representative has further contended that this cheque was misplaced and to victimize the workman the story has been concocted that he had stolen the cheque.

25. Opposing this submission, the Id. representative for the bank submits that the cheque in question was included in the cheques which were reported to be destroyed, but it is a fact that this cheque was stolen and misused for committing fraudulent transaction by the delinquent. He has further asserted that the bank has taken action on the basis of factual position and the material available on the record.

26. I find considerable substance in the submission and on facts when there is cogent evidence against the workman, as discussed supra, to establish the charge, such contradiction can be termed as a minor contradiction which can be ignored.

27. The Id. representative has also contended that the charge levelled against the workman has not been proved as per the procedure of the bank. His submission is that if under two names the cheque was filled, it cannot be deposited in the individual account. The workman's account was inoperative and without getting it operative the cheque could not be deposited.

28. On the other hand, the Id. representative for the bank submits that the delinquent had deposited the said cheque in his SB Account maintained at the Subodh College Branch of the Bank of Rajasthan and to convert his inoperative account into operative he had requested the bank. These activities were done by the delinquent for withdrawing the money credited in his account. This fact

is supported from the record and the submission made on behalf of the workman cannot be maintained. This procedural aspect has also been explained by MW-2 GL Bhatia in his evidence.

29. Then the Id. representative for the workman put forth a submission that a criminal case was registered against the workman and the management produced its witnesses therein, who have not been produced in the enquiry. His submission is that MW-2 GL Bhatia was produced during the preliminary enquiry and the trial of the case, who has improved his statement before this Court. The Id. representative for the bank has sought to refute the contention by submitting that the criminal trial and the departmental enquiry proceedings are altogether different and it is not required at all that witnesses who were examined during the criminal trial should also be produced during the enquiry before the Tribunal.

30. So far as the examining of the witnesses by the party is concerned, it is fairly settled law that it is the discretion of the party to examine the witnesses it chooses to examine if there are a number of witnesses. In the present case, evidently the management has examined the material witnesses to justify the charge levelled against the workman. The workman's contention that MW-2 GL Bhatia has rendered the improved version before the Tribunal is unsustainable in view of the fact that he was not confronted with his statement deposed by him before the other competent authority. Therefore, *ex facie* the submission is bereft of merit and is rejected.

31. It has also been contended that the workman was acquitted in the criminal case on the similar facts. A copy of the judgment dated 24-3-2001 delivered by ACGM No.5, Jaipur City, Jaipur is available on the record whereby the delinquent was acquitted of the offences under Section 420, 467, 468 and 379 IPC.

32. In 2003 (4) SCC 364, referred to by the Id. representative for the bank, the Hon'ble Apex Court has observed that acquittal in criminal case based on the same allegations is not *per se* a ground for claiming immunity from punishment. In view of the observation made by the Hon'ble Supreme Court, the workman is not entitled to get exonerated on this count. The workman's submission, therefore, cannot be accepted.

33. It was also contended that the delinquent has not committed any fraud since no money was withdrawn by him.

34. In response, it has been contended on behalf of the bank that the delinquent had attempted to commit the fraud and put the bank in wrongful loss which is sufficient to hold him guilty and punished.

35. On considering the facts emerging on the record, the charge imputed against the workman has been found to be established conclusively that he forged the signature

of account holder on the cheque, himself deposited it, prepared the pay in slip and the money was also credited in his account. He could not get the amount from his account since it was inoperative. He endeavoured to get it operative and before he could have succeeded in his attempt, the authorities became vigilant. As such, it cannot be stated that no gross misconduct was committed by the workman. The workman's contention, therefore, deserves rejection.

36. That takes me to determine the quantum of punishment.

37. The workman has pleaded that impugned punishment is disproportionate, which has been opposed on behalf of the bank.

38. On a careful examination of the record, I find that the punishment is in consonance with the nature of the charge found proved against the workman and it is justified looking to its nature. The punishment, therefore, appears to be commensurate with the gravity of the misconduct and warrants no interference.

39. In consequence, the reference is answered in the negative against the workman and in favour of the non-applicant bank and it is held that the dismissal order dated 15-12-2001 passed against the workman delinquent is legal and justified. The workman's claim is dismissed. An award is passed in these terms accordingly.

40. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3148.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 3/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/153/2003-आईआर(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2006

S.O. 3148.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 3/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank and their workmen, which was received by the Central Government on 13-7-2006.

[No. L-12012/153/2003-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-3/2004

Reference No. L-12012/153/2003-IR(B-II)

Sh. Kailash Chand Sharma,
Through Sh. Anil Mathur,
4/22, Malviya Nagar, Jaipur Applicant

Versus

The Zonal Manager,
Punjab National Bank,
Zonal Office,
2-Nehru Place,
Tonk Road,
Jaipur-302 015 Non-applicant

PRESENT:

Presiding Officer : Sh. R.C. Sharma.
For the applicant : Sh. R.C. Jain.
For the non-applicant : Sh. Rajendra Arora.
Date of award : 23-6-2006

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under:—

"Whether the action of the management of Punjab National Bank in terminating the services of workman Shri Kailash Chand Sharma w.e.f. 11-2-2003 was legal and justified? If not, what relief the workman is entitled to and from which date?"

2. The workman in his statement of claim has pleaded that while he was posted as Special Assistant at Dadabari Branch, Kota, the Regional Manager vide his letter dated 13-10-1998 sought his explanation for the irregularities committed in the branch, which was replied by him vide his letter dated 6-12-98. Thereafter, vide order dated 16-8-2000, he was selected to the post of the Officer. But on 31-8-2001, he was chargesheeted under Regulation 6 of Punjab National Bank Officer Employees' (Discipline & Appeal) Regulations, 1977, but subsequently on his representation the chargesheet was substituted under the provisions of the BPS which are applicable to the award staff.

3. While assailing the impugned termination order, the delinquent-workman has submitted that since he had been the office bearer of the bank employees union, the higher authorities of the bank were prejudiced against him, that on the basis of the evidence no charge is proved against

him and that on the similar charges one employee named Smt. Madhubala Singhal, who faced the disciplinary action, was terminated but on appeal she was taken back in the service. His allegation is that two different standards have been adopted by the bank in the similar cases and the bank has victimized him.

4. Resisting the claim of the workman, the non-applicant has supported the findings of the Enquiry Officer and has averred that the disciplinary proceedings was conducted against the workman under the provisions of the BPS and the Enquiry Officer has arrived at the conclusion of guilt against the delinquent on the basis of the documents and evidence produced during the course of the enquiry.

5. On hearing both the parties on the preliminary issue of the fairness of the domestic enquiry, this Court vide its order dated 10-8-2004 has found the enquiry to be fair and proper.

6. On finding the enquiry to be fair, this case has been posted for advancing the arguments on merits of the case since 13-9-2004 and several adjournments were sought by the workman to argue the case on one pretext or the another. It is revealed from the perusal of the record that on five occasions even the last opportunities were awarded to him. On 5-9-2005, on behalf of the workman the arguments on merits were concluded and on the next 3 days the arguments of non-applicant were heard. On 4-1-2006, the non-applicant concluded his argument and on the next consecutive dates 8-2-2006, 27-2-2006 and 17-3-2006, the workman urged for opportunities for advancing his rejoinder argument. Aggrieved with it, on 10-4-2006 the non-applicant submitted his written submissions. Again on 18-4-2006 and 2-5-2006 the workman sought adjournments for filing the written submission. On 15-5-2006, the Ld. representative for the workman again sought the opportunity for presenting the written submission, which was strongly opposed by the opposite Ld. representative. On considering that the sufficient opportunities were accorded to the workman, his request was turned down and the award was reserved. However, an option was given to the workman that if he is desirous to file the written submission he can file the same by 19-5-2006. On 22-5-2006, the Ld. representative for the workman submitted an application with an allegation that the representative for the bank has not provided him a copy of the written submission and the Presiding Officer of the Court is biased against him. He has further mentioned that he is withdrawing his authority letter and is intimating the workman accordingly and urged that the non-applicant may be directed to send a copy of the written submission directly to the workman. A letter was also received from the workman in the Court that the representative for the bank may be directed to send a copy of the written submission through post to him.

7. On 22-5-2006, the Ld. representative for the non-applicant after perusing the application has noted thereon that the statements mentioned at para 3 and 4 are baseless and false and that he had made available a copy of the written submission to the workman's representative himself and he had sought an adjournment on 18-4-2006 before the Court to file the written submission. This fact is also corroborated by the ordersheet dated 18-4-2006 which says that the Ld. representative for the workman again seeks an opportunity to file the written submission and the case was posted on 2-5-2006 for presentation of the same. Therefore, the assertion of the Ld. representative for the non applicant noted on the application on 22-5-2006 belies the statement of the Ld. representative for the workman that no copy of written submission was supplied to him on behalf of the bank. The narration of the aforesaid facts manifestly depicts that as a strategy to drag the proceedings of the case the workman is using the stalling tactics and even a false plea of bias against the Court has been motivatedly doctored. However, on such tactics the adjudication of the dispute cannot be permitted to be lingered on.

8. As is revealed from the record, both the parties advanced their oral arguments except the rejoinder argument on behalf of the workman. Therefore, I proceed to examine the case on the basis of these arguments and the submissions set forth on behalf of the workman in his pleadings.

9. I have scanned the record.

10. The substituted chargesheet reveals the charges against the delinquent as below:

"Article- 1

Shri Sharma got sanctioned demand loan in the name of customers and credited the proceeds of demand loan in his various accounts. The amount of Fixed deposit on maturity were credited in third party account and then credited in Shri Sharma's account by debiting third party's account.

Article-2

Shri Sharma received loan for his own purpose in the name of customer so that demand loan does not attract third party interest rate. In this process Shri Sharma causes financial loss to the bank for his own vested interest.

Article-3

Shri Sharma borrowed from the customer and did transactions with them.

The above mentioned acts of Shri Sharma is misconduct under the para 19.5(j) of Bipartite Settlement and punishable under the Punjab National Bank Officer Employees (Discipline and Appeal Regulation)."

11. It was contended on behalf of the workman that the termination order has not been issued under the rules applicable to the workman. The relevant rules were not applicable to the workman because of the settlement dated 14-2-95 and as such, the enquiry conducted against the workman is vitiated. It has been opposed on behalf of the bank by contending that this objection has already been decided by this Court vide its order dated 10-8-2004.

12. On perusal of the order on the fairness of the enquiry dated 10-8-2004, it is obvious that this objection was raised on behalf of the workman and under point no. I at paras 7 to 17, it was discussed and considered and the contention advanced on behalf of the workman was rejected. Therefore, this submission cannot be reargued and is disallowed.

13. It has been submitted on behalf of the workman that the chargesheet have been issued by the incompetent authority. Again this submission has been opposed on behalf of the bank by contending that this point was elaborately dealt with by the Court in the order dated 10-8-2004 and was adjudicated.

14. In the order dated 10-8-2004 under point no. III at paras 22 to 26 this submission had been previously considered by me and was decided against the workman. This point, therefore, cannot be revisited and is accordingly disallowed.

15. Assailing the findings recorded by the Enquiry Officer the workman has raised three objections under the different headings, firstly that the charges levelled against him are vague, secondly, that no reasons have been given by the Enquiry Officer for finding the charges proved against him and, thirdly, that the findings of the Enquiry Officer are perverse. Since all these points are interlinked they are discussed together hereunder.

16. The workman has challenged the findings of the Enquiry Officer noted on charge no. 1 by stating that the account holders had borrowed certain amount and had noted on the vouchers that the amount be credited in workman's account who withdrew the amount from the account holders' account and handed over to them. The loan application was given by the loanee and there was an authorization on the voucher that it would be given to the workman. It has been further made that this authorization was made by the Branch Manager and the customer had himself made in his application that this amount be given to the workman. Such amount was withdrawn by the workman and handed over to the customer. It has, therefore, been contended that no misconduct was committed by the workman. With regard to the charge no. 2, it has been contended that it was not a third party loan whereas the charge has been framed for the third party loan. The submission on behalf of the workman is that the charge which says that he had taken third party loan to evade the interest and caused the loss to the bank, is wrong.

In respect of charge no. 3 It has been contended that no customer has stated that the delinquent had borrowed the loan from him.

17. Countering these submissions, the Id. representative for the bank has submitted that the charges levelled against the delinquent are very specific and clear, which have been substantiated by the specific allegations as contained in Annexure II and have been further supported by the documents contained under Annexure III.

18. On a peep into the charges imputed against the workman along with the particulars thereof under Annexure II and the relevant documents under Annexure III, the submission canvassed on behalf of the workman is *ex facie* unsustainable. The charges are specific and disclose all the relevant factors relating to the charge.

19. Turning to the next question that no reasons have been recorded by the Enquiry Officer in his enquiry report, the Id. representative for the bank has sought to refute the submission by contending that the Enquiry Officer has categorically mentioned that the charges levelled against the workman have been found to be proved.

20. On a scrutiny of the enquiry record, it is revealed that the management in support of the charges has adduced Ex. M-1 to M-177 documents and has examined MW-1 SK Maheswari, the Branch Manager, MW-3 I Srisaah and MW-4 HS Bhatia in support of its case. The Enquiry Officer in his report has discussed the evidence along with these documents under each charge and has arrived at a conclusion that the charges imputed against the workman are found to be proved on the basis of the materials. He has drawn the conclusion after evaluating the evidence available on the record.

21. I have carefully examined the findings of the Enquiry Officer along with the materials gathered on the enquiry record and it can be observed that the findings recorded by the Enquiry Officer are based on legal and sufficient evidence, who has discussed the evidence and has found the charges proved conclusively. No fact has cropped up which warrants the interference with the findings of the Enquiry Officer.

22. The Id. representative for the bank has referred to the decision 2003 (3) SCC 583 which says on the issue of the nature of proof required in the departmental enquiry that preponderance or probabilities and some material on record are necessary to arrive at a conclusion about the guilt of the delinquent and it further mandates that the technical rules of evidence are not applicable to such enquiries. It adds assistance to the submission set forth by the Id. representative for the bank. The conclusions drawn by the Enquiry Officer are such which could have been arrived at by a reasonable man.

23. So far as the perversity of the findings of the Enquiry Officer is concerned, it could not be categorically pointed out as to how the findings are perverse. On the contrary, the Id. representative for the bank has contended that the management witnesses have proved the allegations levelled against the workman which are based on the documents and the documents produced before the Enquiry Officer also establish the charges levelled against the workman. This submission is strengthened by the enquiry record.

24. As observed earlier, the Enquiry Officer has discussed the management evidence adduced by the management and the documents with regard to the each charge and has recorded his findings which are fully supported from the record.

25. To conclude, all the three submissions advanced on behalf of the workman are meritless and are repelled accordingly.

26. It was also contended on behalf of the workman that the Enquiry Officer in his report at para 2 has based his findings on the basis of the customers evidence and the documents, whereas no customer was examined. The Id. representative for the bank has sought to refute it by contending that this point was raised by the employee in his submissions against the enquiry report and the disciplinary authority vide his show-cause notice dated 3-1-2003 has clarified it by stating that it was a typographical mistake and in place of the word 'witnesses' the word 'customers' was mentioned.

27. I find considerable force in the submission put forth by the Id. representative for the bank and it appears to be only a typographical mistake and the plea advanced on behalf of the workman becomes unsustainable.

28. It has then been contended on behalf of the workman that he was chargesheeted after a lapse of more than 7 years and the delayed chargesheet deserves to be quashed. The Id. representative for the bank in support of his submission that merely on the ground of delay, the chargesheet cannot be set aside, has placed his reliance on 2005 (1) SLR P&H 519, which supports his submission and in view of the observation made by the Hon'ble Court therein the workman's plea cannot be sustained and is rejected.

29. It has also been contended that a chargesheet was also issued to Smt. Madhubala Singhal on the same grounds, who was punished with the dismissal from the service, but in the appeal she was punished with the stoppage of two increments, but on the same facts the workman has been punished with termination from the service, which is a case of discrimination and victimization for the reason that the workman had been the President of the bank employees union for a number of years and being a trade union leader he was punished, whereas for the

equal charges Smt. Singhal was punished with the stoppage of two increments only.

30. The Id. representative for the bank has countered the submission by contending that if any mistaken view was taken by the bank authorities in a particular case, then it cannot be repeated in other cases and has referred to the decision 1997 II CLR SC 391, which strengthens the submission advanced on behalf of the bank. The workman's plea, therefore, cannot be maintained.

31. That leaves me to the determination of the quantum of punishment.

32. It has been contended on behalf of the workman that the punishment of termination is disproportionate looking to 18 years clear service record of workman and it was on account of the efforts of the workman that the said branch was declared the best branch of the State. Therefore, the punishment is harsh and disproportionate. Contrary to it, the Id. representative for the bank submits that looking to the nature and gravity of the charges, the punishment is proportionate. The Id. representative has referred to the decision rendered in AIR 2005 SC 2090 wherein the Hon'ble Apex Court has observed that the scope of the judicial review is limited and when the charges are found to be established that the employee failed to discharge his duties with utmost integrity, honesty and devotion and his acts are found prejudicial to the interest of bank, then the order of dismissal from the service is not in violation of the principles of natural justice. The present controversy is squarely covered by the decision rendered by the Hon'ble Apex Court. The punishment of termination inflicted on the workman is justified looking to the nature of the proven misconducts against him and the impugned order warrants no interference.

33. In the result, the reference is answered in the negative against the workman and it is held that the termination order dated 11-2-2003 passed against the workman is legal and justified. The workman's claim is rejected. An award is passed in these terms accordingly.

34. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3149.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के संबंध निर्योक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 71/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-2006 को प्राप्त हुआ था।

[सं. एल-34011/10/2002-आईआर(बी-11)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2006

S.O. 3149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 71/2004) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workman, received by the Central Government on 13-7-2006.

[No. L-34011/10/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri T. RAMACHANDRA REDDY

Presiding Officer

Dated the 13th day of June, 2006

Industrial Dispute No. 71/2004

(Old No. ITID(C) 4/2003 transferred from Industrial
Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN:

The General Secretary,
Port & Dock Employees Association,
Rama Padma Nilayam, 14-25-32 A,
Bazar, Maharanipeta,
Visakhapatnam - 530 002.

... Petitioner

AND

The Chairman,
Visakhapatnam Port Trust,
Port Area,
Visakhapatnam - 530035.

... Respondent

APPEARANCES:

For the Petitioner : Sri S. Rama Rao, Advocate

For the Respondent : M/s. D.V. Subba Rao & D.V.S.S.
Somayajulu, Advocates.

AWARD

This industrial dispute is referred by the Government of India, Ministry of Labour by its order No. L-34011/10/2002-IR(BII) dated 26-12-2002 in exercise of powers conferred under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam between the management of Visakhapatnam Port Trust and their workman which has been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C.II) dated 18-10-2001 bearing No. ITID(C) 4/2003 on a point of jurisdiction. The reference is,

SCHEDULE

"Whether the action of the management of Visakhapatnam Port Trust in inflicting the punishment

to Sri M. Ranga Rao, by withholding increment for three months and also downgrading him from senior Diesel Loco Driver to Diesel (Loco) Driver is legal and justified? If not, what relief is the workman entitled to?"

The reference is renumbered in this Tribunal as I.D. No. 71/2004 and notices were issued to the parties.

2. The General Secretary of the Port and Dock Employees Association representing Mr. M. Ranga Rao, workman, has filed claim statement stating that the workman was issued with a charge sheet for minor penalty under regulation 12 of Visakhapatnam Port Employees (Classification, Control and Appeal) Regulations, 1968, levelling the following charges:

- (i) Sri M. Ranga Rao while functioning as Senior Diesel Loco Driver in Ore Handling Complex has initially applied leave from 13-7-2001 to 25-7-2001. Instead of reporting to duty on 26-7-2001 he over stayed unauthorisedly from 26-7-2001 to 29-7-2001 without submitting any further leave application or sick certificate. He has reported to duty on 30-7-2001 and submitted Private Medical Certificate to cover the period of his absence which was not granted."
- (ii) He is in the habit of absentsing from duty frequently and submitting leave/sick on the date of resumption to duty.
- (iii) Further he has availed total leave/sick of 84 days during the period from 1-7-2000 to 30-6-2001 out of which leave for four days was not granted.
- (iv) His unauthorized absence and irregular attendance has caused much dislocation of day to day works in the Section.
- (v) By the above act he exhibited gross negligence, utter carelessness and lack of interest in attending to his legitimate duties unbecoming of a public servant and in as much as he failed to maintain absolute devotion to duty.
- (vi) Thus, he violated Regulation 3(1) 3 (3-A) (b) of Visakhapatnam Port Employees (Conduct) Regulations, 1964."

3. The workman submitted his explanation stating that he applied leave from 13-7-2001 to 25-7-2001 to attend Amarnath Yatra on a pilgrimage and the same was sanctioned. After returning from the long journey, the health of the workman was badly affected and could not attend up to 29-7-2001 and that he was unable to move. As such he could not send intimation of extending the leave. After joining he applied for sick leave for 4 days from 26-7-2001 to 29-7-2001. The leave was not sanctioned initially and later it was sanctioned on explaining the reasons for his absence to the Plant Manager as a special case. In spite of sanctioning the leave the Respondent Management has

initiated disciplinary proceedings by issuing the said charge sheet and he was punished by withholding his annual increment for three months without cumulative effect. The appeal preferred by the workman was also rejected. As such he approached the Petitioner union who in turn raised the dispute before the Assistant Labour Commissioner (C). The Assistant Labour Commissioner (C) after holding conciliation between both the parties reported to Government of India on account of failure of conciliation proceedings.

4. It is further submitted that during the Amarnath yatra there was unusual events like stampede and police firing and several untoward mishaps were taken place. The Petitioner and his family members were frightened and the health of the Petitioner was affected. The Petitioner was officiating the post of Senior Diesel Loco Driver at that time and he was reverted to the lower post of Diesel Loco Driver.

5. The Respondent Management filed the counter and submitted that the charge sheet was issued for unauthorized absence from 26-7-2001 to 29-7-2001 without any intimation after availing sanctioned leave from 13-7-2001 to 25-7-2001. The unauthorized absence for the workman initially was not regularized but however, after submitting his explanation leave was sanctioned. It is further submitted that the regularisation of the unauthorized absence on humanitarian grounds has not estopped the Management to take disciplinary action for the misconduct. Since the workman has failed to intimate for extension of the leave, a charge sheet was issued against him. It is further submitted that the Petitioner was previously punished by withholding annual increment for six months without cumulative effect for causing accident and similar punishment was inflicted for causing damage to the vehicle due to his negligence.

6. It is further submitted that since the Petitioner was working on *ad hoc* basis and officiating the higher post of Senior Diesel Loco Driver at the time of imposing the punishment, he was reverted to the former post as per Government of India Regulations contained under Rule 11(4) of CCS & CCA Rules.

7. The Petitioner filed affidavit of Mr. N. Suryanarayana Rao, General Secretary of the Petitioner Union in support of his case. As against this evidence the Respondent filed the affidavit of Mr. P. Rama Mohan Rao Assistant Engineer (M), OHC Mechanical Engineering Department in the Respondent organization and marked document Ex. M 1 xerox copy of Government of India Regulations. Arguments heard on both sides.

8. It is not in dispute that the workman Mr. M. Ranga Rao has applied leave from 13-7-2001 to 25-7-2001 to attend Amarnath yatra on a pilgrimage and the same was sanctioned. After returning from journey he could not attend the work for 4 days from 26-7-2001 to 29-7-2001. He

joined duty on 30-7-2001 and applied for leave and the same was initially not granted but however when the Petitioner has submitted his explanation showing the reasons for not attending the duty on account of his health, the leave was sanctioned and unauthorized absence was recognized. It is also not in dispute that subsequent to the regularization of the leave management initiate disciplinary proceedings for his absence of 4 days from 26-7-2001 to 29-7-2001. It is contended by the Respondent that the leave of Petitioner was regularized on humanitarian grounds and merely the leave was sanctioned, Respondent is not prevented from taking action for his unauthorized absence.

9. The Petitioner has explained to the Branch Manager the reasons for his absence on considering the explanation given by the Petitioner the absence was regularized by sanctioning the leave. It should be noted that the Petitioner availed a leave for going on pilgrimage to Amarnath which is far away. The Petitioner also alleged that several untoward incidents were taken place such as stampede, police firing and the Petitioner has to suffer many difficulties in the long risky journey. After returning from the long journey the Petitioner has submitted that he could not move, as such he could not send intimation and he could join only after 4 days.

10. When the leave of the Petitioner was sanctioned on considering his explanation it is undesirable to initiate disciplinary proceedings when the Management has satisfied with the reasons given by the Petitioner for his unauthorized absence and sanctioned leave. It should be noted that when the leave was sanctioned for the said 4 days the matter seems to have been closed. The initiation of disciplinary proceedings for the sanctioned period of leave is not warranted. There is no justification for the Management to initiate disciplinary proceedings and inflict punishment to the workman. Therefore, I hold that the action of the Respondent Management in inflicting the punishment to the workman is not justified. As such the punishment is set aside and the Petitioner is entitled to get restoration of his position as a Senior Diesel Loco Driver within two months from the date of publication of this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 13th day of June, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :

WWI: Sri N. Suryanarayana Rao

Witnesses examined for the Respondent :

MWI: Sri P. Rama Mohan Rao

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

Ex.MI: Copy of Government of India Regulations

नई दिल्ली, 14 जुलाई, 2006

का.अ. 3150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाईटेड कमर्शियल बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 172/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/302/1983-डी-II(ए)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2006

S.O. 3150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 172/98) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United Commercial Bank and their workman, which was received by the Central Government on 13-7-2006.

[No. L-12012/302/1983-D-II (A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 172 of 98
In the matter of dispute between :

The General Secretary,
U.P. Bank Employees Union,
165, Sobatia Bagh Allahabad,

AND

The Area General Manager,
United Commercial Bank,
23, Vidhan Sabha Marg Lucknow.

AWARD

I. Central Government, MOL, New Delhi, vide Notification No. L-12012/302/83-D. II (A) dated 18-9-98 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of United Commercial Bank, Lucknow in denying promotion as an officer junior grade to Sh. Virendra Srivastava clerk United Commercial Bank, Civil Lines Branch Allahabad, by not giving weightage of three marks for his Post Graduate Diploma in terms of para 3.1.2 (F) (d) (ii) Note (b) of the promotion policy agreement is just fair and legal ? If not what relief the workman concerned is entitled to ?"

2. The case in short on behalf of the workman is that he was appointed as clerk on 20-7-72 in UCO Bank, Civil Lines Branch Allahabad; that the workman passed his B. Sc. from Allahabad University in the year 1968 and also obtained a post graduate diploma in Physics in the year 1971. It has further been pleaded by the workman that the opposite party has regarded the Diploma of the Postgraduate qualification for allotment of three marks in the selection of officer grade vide letter No SF 11/79 dated 5th September, 79. The opposite party bank in accordance with the rules and regulations as contained in the promotion policy agreement holds test as and when required for promotion to officer grade by awarding marks for different disciplines such as written test, interview, qualifications etc. as mentioned in the promotion policy agreement. The concerned workman appeared in written test for promotion to officer grade held on 17-1-82, wherein the workman was awarded 47 marks in written test, interview, qualification and length of service out of 100 marks but opposite party bank did not awarded additional three marks on account of his postgraduate qualification while he was eligible for weightage of three marks in accordance with rule 3.12 (F) (d) (ii) of the promotion Policy Agreement, and if the workman would have been awarded the weightage of 3 marks he would have obtained 50 marks out of 100 and would have come in the merit list since the candidates who secured 48.25 marks out of 100 marks were selected in officers grade in junior management scale I. It is further alleged that vide letter dated 17-8-82 and 20-8-82 opposite party bank has advised that 'Post Graduate' mentioned in clause 3.12 (F) (d) (ii) of the promotion policy was the Degree of the Post Graduate and therefore the workman was not entitled to get three additional marks as he acquired Diploma of the Post Graduate. It has been alleged that the management has misinterpreted the expression 'Post Graduate' and non awarding of the weightage of three marks on account of his post graduate qualification is illegal, unjust and against the statutory rules of the promotion policy agreement. It has been alleged that the word which has been used in clause 3.12 (F) (d) (ii) of Promotion Policy Agreement is Postgraduate and the word 'Degree' does not find mention with the expression (Postgraduate). It is also alleged by the workman that the word/expression Postgraduate qualification does not carry same meaning as of Post Graduate Degree and if the contention of the opposite party is assumed to be correct in that event in the rules it would have been mentioned that the candidate should possess postgraduate degree from a recognised university. The opposite party bank vide their letter dated 17-8-82 had clarified the word 'Diploma' mentioned in Footnote of the rule 3.12 (F) (d) (ii) of Promotion Policy Agreement to mean the Diploma from the Indian Institute of Bankers and the Diploma from the Institute of Cost and Works Accountants of India, but

the bank has deliberately avoided clarification regarding Diplomas of the recognised University which finds place in the rule 3.12 (F) (d) (ii) itself. The opposite party bank has further clarified the position in the year 1984 vide Circular No. 51/81 whereby it has been provided that word 'Diploma' mentioned in the footnote of the promotion policy agreement 1981 would mean a Diploma of Post Graduate and the person holding postgraduate diploma would be entitled for award of three marks alongwith Degree of Post Graduate as contained since 1968. It has also been pleaded that non addition of three marks by the opposite party bank available for Diploma of Postgraduate in terms of promotion policy is clear denial of promotion to the workman and to allowing undue benefit of promotion to juniors clerks in supersession of his just fair and legal claim. On the basis of above it has been prayed that the workman be awarded 3 marks on account of his having Post Graduate Diploma as provided under promotion policy agreement and be further allowed his promotion from the date when the juniors to the workman have been provided promotion in officer grade I and the workman be also paid his arrears of pay etc on the premises as if the workman has been selected and promoted in terms of Circular No. 54/83 dated 1-7-83. The workman be further allowed all other consequential benefits attached with post with retrospective effect 1-7-83.

3. The claim of the workman has been contested by the opposite party bank on the ground that since the workman is not having post graduate degree he is not entitled for awarding of weightage of 3 marks as provided under promotion policy agreement. Since he is possessing only post graduate diploma, he is not entitled to claim the above benefit as there is hardly any need to elaborate difference between Diploma and Degree. Under promotion policy agreement no weightage is to be given to such person who is not possessing post graduate degree. It has been alleged that the person promoted who are alleged to have superseded Sri Srivastava were duly qualified and were given weightage as per their qualification. The opposite party has rightly informed vide letter dated 17-8-82 and 20-8-82 that the post graduate mentioned in clause 3.12 (F) (d) (ii) of promotion policy agreement was the degree of the post graduate and therefore the workman was not entitled to three marks of weightage in promotion as he acquired diploma of the Post graduate. Opposite party has denied that it deliberately misinterpreted the expression 'post graduate diploma' as alleged. The action of the opposite party in not awarding weightage of three marks on account of his post graduate diploma is justified and in accordance with the statutory rules of the promotion policy. It is further alleged that the term 'Diploma' is different from the term 'Degree' and both these terms cannot be equated with each other for award of three marks as weightage. Under these circumstances the action of the management is fully

justified and the claim of the workman deserves to be rejected being devoid of merit.

4. Both parties have led oral as well as documentary evidence in support their respective cases. I have gone through the record of the case carefully and have also heard arguments of both contesting parties at length.

5. A short question for determination in the present case involved is that as to whether the workman is entitled for weightage of three marks on account of his having post graduate diploma as per promotion policy agreement in the test held by the opposite party for awarding him promotion. The case of the workman is that he obtained post graduate diploma in Physics from Allahabad University, Allahabad which is a qualification which entitles him for award of weightage of three marks in the test held by the opposite party for promotion from clerical cadre to officer grade I. Before determining the question germane in the case it will be useful to reproduce the relevant provision of para 3.12 (F) (d) (ii) of promotion policy agreement, which goes as under :—

Particulars	Marks allocated
(a) Written Test	40
(b) Interview	10
(c) Length of service	30
(d) Nature of qualification	
(i) for graduation from recognised universities	6
(ii) Post Graduate/Double Graduate from recognised universities/Institutes	3
(iii) Indian Institutes of Bankers examination	
C.A.I.I.B Part I	3
C.A.I.I.B Part II	6
(iv) All Honours Graduates/post Accountancy or graduate/post graduate having 50% marks or more in the aggregate	2

Note :

- No candidate would get more than 20 marks for educational qualifications.
- Degree, Diplomas from recognised universities and Institutes recognised by Government of India.
- In proof of educational qualifications original certificates issued by appropriate concerned authorities will have to be produced.

6. Therefore from the above provisions of promotion policy agreement it is quite obvious that persons having post Graduate, double graduate from

recognised universities/institutes are entitled for weightage of 3 marks. It is further clarified in clause (b) of footnote of the above provision that degree/diplomas should be from a recognised universities and institutes recognised by Government of India.

7. The contention of the opposite party bank is that as the workman was not having post graduate degree he was not entitled for weightage of 3 marks in the test held for promotion from clerical cadre to officer grade 1.

8. I have carefully gone through the above provisions of promotion policy agreement and find that there is no substance in the arguments advanced by the authorised representative for the opposite party. There is no dispute about the fact that the workman has obtained a post graduate diploma from Allahabad University, Allahabad in the year 1971 in the subject of Physics. Workman has also filed original certificate issued by the Allahabad University, Allahabad which is on record. Para 3.12 (F) (d) (ii) of promotion policy agreement is very much clear on the point of which sub-clause (ii) clearly envisages that weightage of three marks is to be given to such employees who are possessing Post Graduate/ Double Graduate from a recognised universities/institutes in the matter of promotion from clerical cadre to officer grade 1. Footnote (b) further clarifies that degree diploma should be from a recognised universities and institutes recognised by the Government of India. The above provision nowhere provides that persons having post graduate diplomas are debarred from the benefit of weightage of awarding 3 marks in the matter of test conducted for promotion by the opposite party. If the contention of the opposite party is accepted, the same would be contrary to clause (b) of footnote of the promotion policy which is not the intention of the provision 3.12 of promotion policy agreement. Further the above provision also nowhere prescribes that only persons having post graduate degree from a recognised universities are entitled for award of 3 marks in the test for promotion. It is a matter of common knowledge that post graduate diploma or post graduate degree is obtained only after completion of degree course from a recognised universities and not otherwise. Under these circumstances I am of the confirmed view that the workman was entitled for weightage of three marks in the written test held for promotion from clerical cadre to officer grade 1 in the year 1972 in which workman has participated on account of his having post graduate diploma in physics from a recognised university like Allahabad University, Allahabad.

9. It has also been contended by the workman that junior to him who obtained 48.25 marks in the written test were given promotion and had the workman been awarded 3 marks in the written test having regard to his post graduate diploma his total marks would have become 50 and in that event he would also have been

given promotion and he could not have been superseded in the matter of promotion by the opposite party. On the contrary it has been argued by the opposite party bank that the workman was not entitled for weightage of 3 marks in the written test and persons have rightly been given promotion after awarding them marks as per their eligibility as provided under promotion policy agreement and that workman has not been superseded or that he has not been discriminated in the matter of Promotion by the opposite party bank. I do not find any substance in the arguments of the opposite party bank. As has already been held above that persons having post graduate diploma from a recognised universities or institutes are also entitled for weightage of 3 marks in the promotional test according to promotion policy agreement, the claim of the workman cannot be thrown out who was admittedly having post graduate diploma from Allahabad University, Allahabad, on the ground that he was not having post graduate degree as alleged by the opposite party bank. By no stretch of imagination it can be accepted that the workman was not entitled for weightage of three marks in the promotional test held by the bank in which workman has also participated. I also agree with the arguments of the workman that his juniors were given promotion and he was superseded in the matter of promotion. It is once again reiterated that had the workman been awarded weightage of 3 marks as per promotion policy agreement his total marks would have come to 50 in the written test and as person acquiring 47.25 marks was given promotion workman too could have been promoted to officer grade 1 in the year when juniors to the workman were given promotion on the basis of written test held by the opposite party bank.

10. Lastly it will be seen if the reference order is belated or not. From the reference order itself it is clear that earlier the reference was declined by the government. Thereafter the union raising the dispute on behalf of the workman approached the Hon'ble High Court against the order of the government and the Hon'ble High Court vide its order dated 11-8-98 in writ petition No. 192 of 85 directed the Government of India to refer the matter for adjudication to this tribunal. In this way tribunal finds that delay in raising the dispute if any cannot be attributed on the part of workman and on this ground claim of the workman cannot be denied.

11. In view of foregoing discussions, it is held that the action of the management of United Commercial Bank, Lucknow, in denying promotion as an officer junior grade Sri Virendra Srivastava clerk United Commercial Bank, Civil Lines Branch, Allahabad by not giving weightage of three marks for his post graduate diploma in terms of para 3.1.2 (F)(d)(ii) note (b) of the promotion policy agreement dated 1-9-81 is neither just, fair and nor is legal. Workman is therefore further held entitled for his promotion from the date when the juniors to him were

given promotion. Workman is further held entitled to difference of pay and other allowances on account of his being held entitled to be promoted to officer cadre at par to his juniors.

12. Reference is answered accordingly in favour of the workman and against the opposite party bank.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3151.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 213/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-2006 को प्राप्त हुआ था।

[सं. एल-12025/1/2006-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2006

S.O. 3151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 213/2004) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 13-7-2006.

[No. L-12025/1/2006-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

PRESENT :

SHRI. T. RAMACHANDRA REDDY, Presiding Officer

Dated the 8th day of June, 2006

INDUSTRIAL DISPUTE L.C.I.D. No. 213/2004

BETWEEN :

Sri V. Anjaneya Raju,
R/o 1-7, Chummumiyapet,
R.V. Nagar Post,
Kadapa District.

.....Petitioner

AND

1. The General Manager,
The Andhra Bank,
Andhra Bank Building, Saifabad,
Hyderabad.

2. The Senior Manager (P&D),
The Andhra Bank,
Zonal Office,
Tirupathi.

.....Respondents

APPEARANCES :

For the Petitioner : M/s. B. G. Ravindra Reddy and
B.V. Chandra Sekhar, Advocates

For the Respondent : M/s. S. Udayachala Rao,
S. Vikramaditya Babu and
S. Mujib Kumar, Advocates

AWARD

1. This is a petition filed by Mr. V. Anjaneya Raju under Sec. 2A(2) of the Industrial Disputes Act, 1947 against Andhra Bank represented by its General Manager as R1 and the Andhra Bank represented by its Senior Manager (P&D), Zonal Office, Tirupathi as R2 seeking the relief for reinstatement into the services of the Respondent bank with all attendant benefits.

2. This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. He submitted that he was appointed on 1-11-1987 as temporary messenger and continuously working in the Respondent bank to the entire satisfaction of the superior officers. The Petitioner worked in the Kadapa main branch, KRSM Engineering College branch. LIC Extension counter, CMR Palli branch, etc., from time to time as directed by the Respondents subject to the artificial breaks given by the Respondent.

4. It is further submitted that he was empanelled as temporary messenger and his name is at Serial No. 8 in the seniority list in Ananthapur Region. The Petitioner was arbitrarily terminated from service from 31-8-2000 in violation of Sec. 25F, G and H of Industrial Disputes Act, 1947. The Respondent allowed his juniors to continue, whose names are : (1) C. Jageshwara, (2) V. Ramanjaneyulu, (3) Venkata Narayana and (4) S. Saleem Basha, etc., and the Respondents bank is adopting pick and choose policy in engaging casual labourers which amounts to unfair labour practice. Though the Petitioner is working since 17 years has not been regularized so far.

5. The Respondents filed their counter and denied the averments made in the petition and submitted that the branches of the Respondents bank used to engage persons in sub-staff cadre in leave vacancies of permanent workmen to cope up with additional work of temporary nature, though they are not authorised to make such appointments. This practice is being followed in all the nationalized banks. The temporary casual workers used to raise an industrial dispute seeking regularization of their services. On the background the Government of India, Ministry of Finance, in consultation

with the Ministry of Labour and Employment has issued approach paper dated 16-10-1990 advising the banks to prepare a panel of such temporary employees who had put in a period of 90 days or more during the period between 1-1-82 to 31-12-89 subject to certain other eligibility criteria regarding age, qualification etc., and the said list was prepared for eventual absorption as and when permanent vacancy arises by observing seniority under the rule of reservations. After collecting the said particulars of temporary employees the Respondent bank entered into a settlement with the union on 9-1-1995 under Sec. 12(3) of the Industrial Disputes Act, 1947 with regard to the procedure and modalities to be followed for absorption. The entire process of the empanelment was completed in 1995 and panels were prepared district-wise to utilize the services in the branches in Districts concerned and to consider their absorption as and when vacancies arise.

6. It is admitted that the Petitioner's name is at figure Serial No.8 in Cuddapah District panel. The said panel is valid until all the candidates are absorbed. It is further submitted that the six candidates in the panel of Cuddapah District have been regularized and the Respondent bank will consider the absorption of the Petitioner as and when vacancy arises in the branches of the bank in the District. It is further submitted that the services of the Petitioner were not terminated as such the question of compliance with the provisions of Sec.25F, G and H of Industrial Disputes Act 1947 are not applicable. The services of the Petitioner will be utilised in the leave vacancies. It is further submitted that the Petitioner's services were not utilized for want of availability of the leave vacancy. The names referred by the Petitioner were not absorbed and still their names are continuing in the panel.

7. The Petitioner filed his affidavit in support of his case and got marked documents as follows: Ex. W1 is copy of transfer certificate. Ex. W2 to Ex. W15 are service certificates issued by Andhra Bank.

8. As against the Respondents filed affidavit of Sri M. S. N. Sarma, Senior Manager(Law) in Head Office, Personnel Department, Hyderabad and got marked the following documents: Ex. M1 is the copy of settlement arrived u/s 12(3) of Industrial Disputes Act, 1947 dated 9-1-1995. Ex. M2 is copy of approach paper dated 16-8-1990. Ex. M3 is copy of orders of Hon'ble High Court of A.P. in WP No.23138/2001. Ex. M4 is the copy of orders of Hon'ble High Court of A.P. in WP No.9239/1992. Ex. M5 is the copy of orders of Hon'ble High Court of A.P. in WP No. 13142/2004.

9. The Learned Counsel for the Petitioner contended that though the name of the Petitioner figures in the panel list prepared as per clause IV of the settlement dated 9-1-95 neither he was engaged as a casual labour nor absorbed and regularized and further contended that the Respondent should consider the engagement of the

Petitioner atleast on rotation basis along with other candidates in the panel.

10. On the other hand, the Learned Counsel for the Respondent contended that the Petitioner could not be engaged as there is no work and his name will be considered as and when vacancies arises for his engagement and further contended that the Petitioner will be absorbed as per. his turn as and when vacancies arise.

11. It is not in dispute that the name of the Petitioner figures in the list prepared in the panel of candidates of Cuddapah District. The Petitioner along with similarly situated persons filed a writ in the Hon'ble High Court of A.P. for their absorption. There is direction from the Hon'ble High Court of A.P. to consider the cases of the Petitioner and others in terms of their settlement for regularization of their services as and when vacancies arises. It may be noted that the panel prepared will not lapse till all the candidates are absorbed and regularized in view of the settlement dated 9-1-1995. The reasons for not absorbing the Petitioner is for want of arising vacancies.

12. In view of the circumstances it is desirable to give a direction to the Respondent to engage the services of the Petitioner along with other candidates in the list on rotation basis and it is further directed to consider the candidature of the Petitioner as per the terms of the settlement and existing rules as and when vacancies arise.

Award passed accordingly. Transmit.

Dictated to Smt P. Phani Gowri, P A transcribed by her corrected and pronounced by me on this the 8th day of June, 2006.

T. RAMACHANDRAREDDY, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1 : Sri. V. Anjaneya Raju	MW1 : Sri M.S.N. Sarma
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Documents marked for the Petitioner

Ex. W1 : Copy of transfer certificate
Ex. W2 : Copy of service certificate dtd. 21-2-1991.
Ex. W3 : Copy of service certificate dtd. 1-3-1991.
Ex. W4 : Copy of service certificate dtd. 2-8-1991.
Ex. W5 : Copy of service certificate dtd. 20-11-1991.
Ex. W6 : Copy of service certificate dtd. 11-5-1993.
Ex. W7 : Copy of service certificate dtd. 2-7-1994.
Ex. W8 : Copy of service certificate dtd. 7-8-1995.
Ex. W9 : Copy of service certificate dtd. 30-1-1999.
Ex. W10 : Copy of service certificate dtd. 13-12-2000.
Ex. W11 : Copy of service certificate dtd. 28-9-1995.
Ex. W12 : Copy of service certificate dtd. 31-8-1995.

- Ex. W13: Copy of service certificate dtd. 25-9-1995.
 Ex. W14: Copy of service certificate dtd. 19-12-2000.
 Ex. W15: Copy of service certificate dtd. 18-12-2000.

Documents marked for the Respondent

- Ex. M1: Copy of settlement dt 9-1-1995
 Ex. M2: Copy of Approach paper issued by GOI, dt. 16-8-1990.
 Ex. M3: Copy of orders in WP No. 23138 dt. 9-1-2003.
 Ex. M4: Copy of orders in WP No. 9239/1992 dt. 11-9-2003.
 Ex. M5: Copy of orders in WP No. 13142/2004 dt. 29-7-2004.

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 214/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-2006 को प्राप्त हुआ था।

[सं. एल-12025/1/2006-आई आर (बी-11)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th July, 2006

S.O. 3152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 214/2004) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 13-7-2006.

[No. L-12025/1/2006-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT :

SHRI T. RAMACHANDRA REDDY : Presiding Officer

Dated the 8th day of June, 2006

INDUSTRIAL DISPUTE L.C.I.D. NO. 214/2004

Between :

Sri D. Nageswar Rao,
 R/o 7/100, Marati Veedhi,
 Ravindranagar,
 Kadapa District

....Petitioner

AND

1. The General Manager
 The Andhra Bank
 Andhra Bank Building,
 Saifabad,
 Hyderabad.

2. The Senior Manager (P&D),
 The Andhra Bank,
 Zonal Office,
 Tirupathi

..... Respondents

APPEARANCES :

For the Petitioner : M/s. B.G. Ravindra
 Reddy & B.V. Chandra
 Sekhar, Advocates.

For the Respondent : M/s. S. Udayachala Rao,
 S. Vikramaditya Babu &
 S. Mujib Kumar,
 Advocates.

AWARD

This is a petition filed by M. D. Nageswar Rao under Sec. 2A(2) of the Industrial Disputes Act, 1947 against Andhra Bank represented by its General Manager as R1 and the Andhra Bank represented by its Senior Manager (P&D), Zonal Office, Tirupathi as R2 seeking the relief for reinstatement into the services of the Respondent bank with all attendant benefits.

2. This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. He submitted that he was appointed on 23-7-87 as temporary messenger and continuously working in the Respondent bank to the entire satisfaction of the superior officers. The Petitioner worked in the Kadapa main branch, KSRM Engineering College branch, LIC Extension counter, CMR Palli branch, MVN Extension counter, etc. from time to time as directed by the Respondents subject to the artificial breaks given by the Respondent.

4. It is further submitted that he was empanelled as temporary messenger and his name is at Serial No. 11 in the seniority list in Ananthapur Region. The Petitioner was arbitrarily terminated from service from 23-3-2002 in violation of Sec. 25F, G and H of Industrial Disputes Act, 1947. The Respondents allowed his juniors to continue, whose names are : (1) C. Jageshwara, (2) V. Ramanjaneyulu, (3) Venkata Narayana and (4) S. Saleem Basha, etc. and the Respondent Bank is adopting pick and choose policy in engaging casual labourers which amounts to unfair labour practice. Though the Petitioner is working since 17 years has not been regularized so far.

5. The Respondents filed their counter and denied the averments made in the petition and submitted that the branches of the Respondent bank used to engage persons in sub-staff cadre in leave vacancies of permanent workmen, to cope up with additional work of temporary nature, though they are not authorised to make such appointments. This practice is being followed in all the nationalized banks. The temporary casual workers used to raise an industrial dispute seeking regularization of their services. On the background the Government of India, Ministry of Finance, in consultation with the Ministry of Labour and Employment has issued approach paper dated 16-10-1990 advising the banks to prepare a panel of such temporary employees who had put in a period of 90 days or more during the period between 1-1-82 to 31-12-1989 subject to certain other eligibility criteria regarding age, qualification etc., and the said list was prepared for eventual absorption as and when permanent vacancy arise by observing seniority under the rule of reservations. After collecting the said particulars of temporary employees the Respondent bank entered into a settlement with the union on 9-1-1995 under Sec. 12(3) of the Industrial Disputes Act, 1947 with regard to the procedure and modalities to be followed for absorption. The entire process of the empanelment was completed in 1995 and panels were prepared district-wise to utilize the services in the branches in Districts concerned and to consider their absorption as and when vacancies arise.

6. It is admitted that the Petitioner's name is at figure Serial No. 11 in Cuddapah District panel. The said panel is valid until all the candidates are absorbed. It is further submitted that the six candidates in the panel of Cuddapah District have been regularized and the Respondent bank will consider the absorption of the Petitioner as and when vacancy arises in the branches of the bank in the District. It is further submitted that the services of the Petitioner were not terminated as such the question of compliance with the provisions of Sec. 25F, G and H of Industrial Disputes Act, 1947 are not applicable. The services of the Petitioner will be utilized in the leave vacancies. It is further submitted that the Petitioner's services were not utilized for want of availability of the leave vacancy. The names referred by the Petitioner were not absorbed and still their names are continuing in the panel.

7. The Petitioner filed his affidavit in support of his case and got marked documents as follows : Ex. W1 to Ex. W9 are service certificates. Ex. W10 is copy of his appointment letter for a period of 14 days in leave vacancy. Ex. W11 is also copy of another appointment letter for 15 days in leave vacancy and Ex. W12 is copy of appointment letter for 15 days in leave vacancy.

8. As against the Respondents filed affidavit of Sri. M.S.N. Sarma, Senior Manager(Law) in Head Office, Personnel Department, Hyderabad and got marked the following documents : Ex.M1 is Copy of approach paper dated 16-8-1990. Ex.M2 is the copy of settlement arrived u/s 12(3) of Industrial Disputes Act, 1947 dated 9-1-1995. Ex.M3 is copy of orders of Hon'ble High Court of A.P. in WP No. 23138/2001. Ex.M4 is the copy of orders of Hon'ble High Court of A.P. in WP No. 9239/1992. Ex.M5 is the copy of orders of Hon'ble High Court of A.P. in WP No. 13142/2004.

9. The Learned Counsel for the Petitioner contended that though the name of the Petitioner figures in the panel list prepared as per clause IV of the settlement dated 9-1-95 neither he was engaged as a casual labour nor absorbed and regularized and further contended that the Respondent should consider the engagement of the Petitioner atleast on rotation basis along with other candidates in the panel.

10. On the other hand, the Learned Counsel for the Respondent contended that the Petitioner could not be engaged as there is no work and his name will be considered as and when vacancies arises for his engagement and further contended that the Petitioner will be absorbed as per his turn as and when vacancies arise.

11. It is not in dispute that the name of the Petitioner figures in the list prepared in the panel of candidates of Cuddapah District. The Petitioner along with similarly situated persons filed a writ in the Hon'ble High Court of A.P. for their absorption. There is direction from the Hon'ble High Court of A.P. to consider the cases of the Petitioner and others in terms of their settlement for regularization of their services as and when vacancies arises. It may be noted that the panel prepared will not lapse till all the candidates are absorbed and regularized in view of the settlement dated 9-1-1995. The reasons for not absorbing the Petitioner is for want of arising vacancies.

12. In view of the circumstances it is desirable to give a direction to the Respondent to engage the services of the Petitioner along with other candidates in the list on rotation basis and it is further directed to consider the candidature of the Petitioner as per the terms of the settlement and existing rules as and when vacancies arise.

Award passed accordingly. Transmit.

(Dictated to Smt. P. Phani Gowri, PA, transcribed by her, corrected and pronounced by me on this the 8th day of June, 2006.)

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

WWI : Sri D. Nageswar Rao MWI: Sri M.S.N. Sarma

Documents marked for the Petitioner

Ex. W1 : Copy of service certificate dt. 20-11-91
 Ex. W2 : Copy of service certificate dt. 29-9-1995
 Ex. W3 : Copy of service certificate dt. Nil
 Ex. W4 : Copy of service certificate dt. 13-12-2000
 Ex. W5 : Copy of service certificate dt. 13-12-2000
 Ex. W6 : Copy of Ir. No. 292/03/363 dt. 4-2-99
 Ex. W7 : Copy of service certificate dt. 18-11-91
 Ex. W8 : Copy of service certificate dt. 13-12-2000
 Ex. W9 : Copy of service certificate dt. 29-9-95
 Ex. W10 : Copy of Ir. No. 687/3/F-I/884 dt. 24-7-2001
 Ex. W11 : Copy of Ir. No. 687/3/F-I/1863 dt. 29-10-2001
 Ex. W12 : Copy of Ir. No. 687/3/F-I/3348 dt. 7-3-2002

Documents marked for the Respondent

Ex. M1 : Copy of Approach paper issued by GOI, dt. 16-8-90
 Ex. M2 : Copy of settlement dt. 9-1-95
 Ex. M3 : Copy of orders in WP No. 23138 dt. 9-1-2003
 Ex. M4 : Copy of orders in WP No. 9239/1992 dt. 11-9-2003
 Ex. M5 : Copy of orders in WP No. 13142/2004 dt. 29-7-2004

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एस. कुमार हैंडलिंग एजेंसी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 66/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-29012/68/1999-आई आर (विविध)]
 बी.एम. डेविड, अवर सचिव

New Delhi, the 17th July, 2006

S.O. 3153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 66/2001) of the Central Government Industrial Tribunal/Labour Court, Bhubneshwar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. S. Kumar Handling Agency and their workman, which was received by the Central Government on 17-7-2006.

[No. L-29012/68/1999-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
 TRIBUNAL-CUM-LABOUR COURT,
 BHUBANESWAR**

Present :

Shri N.K.R. Mohapatra,
 Presiding Officer,
 C.G.I.T.-cum-Labour Court,
 Bhubaneswar.

Industrial Dispute Case No. 66/2001

Date of Passing Award-19th June, 2006

Between :

The Management of the Proprietor,
 M/s. S. Kumar Handling Agency,
 Station Road, Barbil,
 P.O. Barbil,
 Dist. Keonjhar 1st Party-Management

AND

Their Workman,
 Shri Matta Purty,
 Represented through the General Secretary,
 North Orissa Workers, Union,
 At./PO. Barbil
 P.O. Keonjhar 2nd Party-Union

Appearances :

None For the 1st Party
 Management

Shri B.S. Pati,
 General Secretary,
 NOW Union For 2nd Party-Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order (No.L-29012/68/99-IR Mise.), dated 09-11-1999/15-11-99/11-1-2001:

"Whether the termination of service of Shri Matta Purty, Wagon Loader by the Management of M/s. S. Kumar Handling Agency, Contractor of M/s. MMTCL Ltd., Barbil with effect from 31-8-1998 is justifiable? If not, to what relief the workman is entitled?"

2. As per the claim Statement filed by the 2nd Party-Union the workman Shri Matta Purty joined the establishment of the Management M/s. S. Kumar Handling Agency as a Wagon Loader in 1997. It is alleged that when the said workman and others demanded their Provident Fund receipts they were all refused employment with effect from 31-8-1998 without any prior notice or notice pay etc. Hence these workers raised separate dispute through their Union before the Asstt. Labour Commissioner (Central) resulting in the present reference.

3. As against the above the 1st Party-Management besides challenging the *Iocus standi* of the Union and the powers of the Central Government in referring the matter to the Tribunal has averred that the workman was never an employee under him and as such the case is not maintainable in the eye of law.

4. On the basis of the pleadings of the parties the following issues were framed. But as the Management after filing his counter did not appear to contest the case he was set *ex parte*.

ISSUES :

1. Whether the demand of North Orissa Workers Union for reinstatement of Shri Matta Purty, Wagon Loader with full back wages in the establishment of the Management with effect from 24-8-1998 is justified?
2. If not, to what relief the 2nd Party-workman is entitled?

ISSUE No. 1 & 2

5. Before dealing with the *ex parte* evidence adduced by the workman I would like to make it clear that in a case of the present nature it is very much incumbent upon the Union/workman to prove that there was employee-employer relationship between the parties and to prove the same the onus is heavy on the workman to establish that he was employed by the management. But most curiously even though the workman claims that he was engaged in 1997 and refused employment in August 1998. Not even a single scrap of paper has been produced by him to show that there was a semblance of relationship between himself and the Management. His evidence shows that for loading of wagon 10 to 12 persons were required and for this the Management used to pay them @ 350/- per wagon. When during the year 1990 these wagon loaders demanded increase in the above rate as also claimed for their regularization, the management did not engage them with effect from 31-8-1998. His evidence further indicates that he was never issued with any letter of appointment either by the present Management (a contract agency) or by any other previous contractor under whom he claim to have had worked earlier. Thus evidence of the workman clearly brings home the conclusion that there was no employee-employer relationship between himself and the Management and therefore the action of the Management in refusing to engage him and others on their demanding higher rate for loading the wagons can not be termed as retrenchment as defined under the Industrial Disputes Act.

6. In view of the above, I find no merit in the reference and as such the workman is declared not entitled for any relief.

7. The reference is answered accordingly.

Dictated & Corrected by me.

N.K.R. MOHAPATRA, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ.एन.जी.सी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 7/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[स. एल-30025/9/2006-आईआर (विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th July, 2006

S.O. 3154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of O.N.G.C. and their workmen, which was received by the Central Government on 17-7-2006.

[No. L-30025/9/2006-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT AHMEDABAD

PRESENT : Shri B.I. Kazi (B.Sc., L.L.M.),
Presiding Officer

(Com. C.G.I.T.A.) No. 07/04

OLD (Com.) No. 2/2000

Senva Ambalal
Village Kathwada,
Tal. Matar,
Post Navgam
Distt. Kheda.

...Complainant

Vs.

ONGC & Others

...Opponent

APPEARANCE :

Complainant : Shri Arish L. Saiyed

Opponent : Absent

ORDER

1. The complainant has filed this complaint under section 33A of the Industrial Dispute Act, and prayed that action of the opponent to be held in breach of Section 33 of the I.D. Act and to reinstate the complainant with continuity of service and with full back wages and to give all other benefits. The brief facts are that the complainant

was working with opponent No. 1 under Sham arrangement of contract on the establishment of opponent No. 3 and 4 who are real employers of the complainant. Opponent No. 2 is a successor of opponent No. 1. The complainant is the concerned workman in reference No. I.T.C. 35/98 and his name appeared at serial No. 48 of the list attached with the schedule of the reference. He was working at the establishment of O.N.G.C. at GGS-II (OBG) from 08-01-1987. He has worked continuously uninterruptedly and sincerely. The wages are not paid from January 99 to 04-04-1999. He requested for the payment of his wages, but he was refused the work and verbally terminated by the incharge of GGS (ii) Shri P. K. Soni DYSEP Navagam. He approached Shri Soni opponent No. 1. Then contract was changed. He approached opponent No. 2, he told that ONGC has not given his name to him and therefore he cannot employ to him. No notice was given, no compensation was given, no inquiry was held. It was an oral termination. Juniors are continued in the services, new persons are employed. But the complainant was not taken back on duty. The termination is without due process of law. Thus the action of the opponent No. 1 is illegal improper, unjust, unfair and against the principle of natural justice. Initially he was employed by ONGC on muster roll and subsequently he has been shifted to contractor without his knowledge and consent. The contract is sham and bogus. Job instruction supervision administration is done by incharge GLS II. The work is of permanent and perennial nature. ONGC is employing regular Khalasis for same and similar job. Thus it is prayed as per para 8 of the complaint.

2. A notice was issued to the opponent to file the reply. The opponent No. 3 has submitted a reply by Ex- 4. The brief facts are that there is no muster and servant relationship between the complainant and O.N.G.C. He is not a workman under section 2 (S) of the Industrial Dispute Act. The question of non compliance of Section 33 of the Industrial Dispute Act and alteration of conditions of services does not arise. Complaint is not maintainable. It is submitted that opponent No. 3 and 4 are real employer and there is no sham arrangement. It is denied that at serial No. 48 the name of Shri Senva Ambalalis there. There is some mistake in the name of the complainant. It is denied that he has been working at establishment of the ONGC at GGS-II since 1-08-1987 continuously uninterruptedly or sincerely. He is not an employee of the ONGC. He was not working with the ONGC. It is denied that incharge of GGS-II Shri P. K. Soni SYSE(P) terminated the complainant. It is denied that O.N.G.C. is in the knowledge of complainant approaching of opponent No. 1 & 2. It is not question of ONGC giving the name of the complainant's to opponent No. 2. It is denied that juniors are continued and new persons are employed. It is denied that an illegal or unjust action has been taken by the ONGC in violation of principle of natural justice. It is also denied that initially complainant was engaged by the ONGC on muster roll and

subsequently, he was shifted to the contractor without his knowledge and consent. It is denied that supervision and administration is done by the ONGC or the instruction was given by the officer of the ONGC. It is denied that ONGC regular Khalasi to do the same and similar job. The complainant has suppressed the facts relating to the contract. Thus it is prayed that complaint shall be rejected with cost.

3. The complainant has submitted documents with the complaint which are reference order dated 26-05-1998 and Annexure- A. At serial No. 48 the name of the complainant is there.

4. The complainant himself examine by Ex. 5. Though proper opportunity was given to the opponents they did not remain present to cross the witness. Thus the right of cross-examination was closed by the Tribunal.

5. The opportunity was given to the opponent to lead the evidence, but the opponent did not avail the opportunity. Hence the right of the evidence of the opponent was closed by Ex. 16.

6. Heard the Ld. Advocate Shri Arish L. Saiyed on behalf of the complainant. It is submitted by him that though the complainant has worked for more than 240 days and reference is pending for the workman, it is a reference I.T.C. No. 35/98. The services of the complainant were terminated by the opponent. The reference for the absorption of the 328 contract workers, as per list attached as per serial No. 48 the name of the complainant is there. Thus he is a concerned workman and looking to this fact the termination is illegal. No approval by the opponent. Termination is in violation of Section 33 of the I.D. Act. Thus the termination is illegal improper, and bad in law. The complainant is entitled for the reinstatement with continuity of service and with full back wages.

7. Though proper opportunity was given to the opponents for the submission of arguments, but the opponents did not remain present.

8. Thus looking to the documents, evidence in the complaint the following issues are to be decided for my consideration :

- Whether the action of the opponent in terminating the services of the complainant is in violation of section 33 of the I.D. Act.?
- Whether the complainant is entitled for the reinstatement with continuity of services. ?
- Whether the complainant is entitled for the back wages from the date of termination till the date of reinstatement. ?
- What final order.?

My answer to the above issues are as under as per reasons given below :

- Yes
- Yes

- c. He is entitled for the 60% back wages from the date of termination till the reinstatement from the opponent Nos. 1 to 4.
- d. As per the final order of complaint.

REASONS

9. If we peruse the documents submitted by the complainant i.e. reference order dated 26-05-1998. The reference is for the absorption of 328 contract workers. As per list attached at serial No. 48 the name of the complainant is mentioned. Thus it is clear that the reference was pending and during the pendency of the reference, the service of the complainant was terminated without following due process of law or without filing any permission/approval application. Thus it is in clear violation of Section 33 of the Industrial Disputes Act. Thus the termination is illegal, improper and bad in law and in violation of Section 33 of the I.D. Act. Hence it is null and void termination.

10. If we peruse the evidence by Ex. 5, it is submitted that the complainant was working at G.G.S. 2 as Khalasi from 08-01-1987. He was terminated by the oral order of Shri Soni who is officer of G.G. S. 2. No notice or notice pay was given, no compensation has been paid and no approval/permission application filed by the opponent. Looking to the judgment of Apex Court in Jaipur Jilla's case the termination is illegal.

11. After the termination the complainant has not worked anywhere. Not only that opponent are failed to prove that the complainant was employed elsewhere after termination. Hence he is entitled for 60% back wages from the date of termination till the reinstatement by the opponents. For the back wages the opponents are liable severally and jointly. Looking to the above observations I hereby pass the following order:

ORDER

The complainant is allowed. The opponent Nos. 1 to 4 are hereby directed to reinstate the concerned workman on his original post with continuity of services and to pay the complainant 60% back wages from the date of termination till the reinstatement. The opponent Nos. 1 to 4 is hereby also order to pay Rs. 1000 as cost of this complaint. The order shall be implemented within 60 days of receipt of this order.

Date: 1-6-2006

Ahmedabad.

B. I. KAZI, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कारपोरेशन लि० के प्रबंधन के संबद्ध नियोजकों और

उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 225/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/8/2006-आईआर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th July, 2006

S.O. 3155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 225/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Petroleum Corporation Ltd. and their workman, which was received by the Central Government on 17-7-2006.

[No. L-30025/8/2006-IR(M)]

B. M. DVAID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri T. Ramachandra Reddy,
Presiding Officer

Dated the 21st day of June, 2006

Industrial Dispute L.C.I.D. No. 225/2004

BETWEEN

Sri K. Purushotham,
R/o Plot No. FI, Prashanthi
Nagar, Sai Marg, Thendurthi,
Visakhapatnam-530 083.

.....Petitioner.

AND

The Deputy General Manager,
The Hindustan Petroleum Corporation Ltd.,
South Zone,
Visakhapatnam.

.....Respondent

APPEARANCES :

For the Petitioner

M/s. G. Vidaysagar,
K. Udaya Sri P. Sudheer Rao
and B. Shivakumar,
Advocates.

For the Respondent : M/s. Y.V. Sanyasi Row,
Y. Ramésh and R.G.
Madhavi, Advocates

AWARD

This is a claim petition filed by Mr. K. Prurshotham, u/s 2A(2) of Industrial Disputes Act, 1947 against the Respondent The Hindustan Petroleum Corporation Ltd., seeking the relief to set aside the order of discharge of the Petitioner from service dated 29-1-2004.

2. This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. It is submitted that the Petitioner has joined the service in the Respondent organization on 1-10-87 as General Workman (I) and he was promoted from time to time and became general mazdoor IV in the year 1997. He was loyal and dedicated worker and discharging the duties to the satisfaction of his superiors and also participated in the National Sports Meet on various tournaments representing the Respondent and won trophies.

4. It is further submitted that he was sick in January, 2001, he could not attend his duties regularly. He was sick due to arthritis and that he was issued a chargesheet dated 20-5-2003 alleging that he was absented unauthorisedly for 113 days for the period from January, 2001 to December, 2003. He submitted his detailed explanation but the same was not considered and an Enquiry Officer was ordered and accordingly an enquiry was held holding that the charges against him were proved and the Disciplinary Authority has punished him by discharging him from service. It is further submitted that enquiry was impartial and the evidence collected by the Enquiry Officer is not sufficient to prove the charges and his absence from duty was not intentional and it is only on account of his ill-health which was not considered by the Enquiry Officer or the Disciplinary Authority.

5. The Respondent filed the counter denying the averments made in the petition and pleaded that the Petitioner was unauthorisedly absented for 113 days for the period from November, 2001 to December, 2002 and a chargesheet was accordingly issued for unauthorized absence. Further the Petitioner never intimated the Management that he was suffering from arthritis or any sickness or underwent treatment by producing medical certificates. The explanation given by the Petitioner to the chargesheet is unsatisfactory as such a domestic enquiry was ordered and during the enquiry the charges against the Petitioner were proved. The Disciplinary Authority furnished the copy of enquiry report for comments and on considering his explanation he was punished by way of discharge from service. The punishment imposed is proportionate to the gravity of charges.

6. When the case was posted to 24-8-2005, the Respondent filed the vakalath along with the counter and also reported that the Petitioner died. The case was adjourned to 21-2-2005. On this date there was no representation on behalf of the Petitioner-workman and it was adjourned for taking steps to 24-2-2006. On 24-2-2006 the Petitioner's advocate was not present and no steps were taken to bring the LRs on the records of the Petitioner. As such it was posted to 26-4-2006. On 26-4-2006, the counsel for Respondent was present and there was no representation on behalf of the Petitioner. The Respondent counsel represented that no steps have been taken by the Petitioner's counsel to bring the LRs on record as such a 'nil' Award may be passed or decided the matter on merits.

7. Arguments heard by the Respondent's counsel.

8. In view of the death of the Petitioner the case against the Petitioner was abated in respect of the relief of termination of service. It may be noted that in the event of death of the Petitioner during the pendency of proceedings even the LRs are brought on record, relief of reinstatement obviously cannot be granted. The Petitioner's legal heirs are entitled only to the extent of back wages if the deceased Petitioner was entitled to.

9. In the present case the Petitioner came to this Tribunal for certain relief, has to substantiate his case. The burden lies on the Petitioner at whose instance the dispute is raised to prove that he is entitled to the relief claimed. In the present case no evidence was adduced on behalf of the Petitioner and the burden lies on the Petitioner was not discharged. As such the Petitioner is not entitled for any relief. Therefore, an award is passed holding that the order of discharge passed by the Management is legal and justified and the Petitioner is not entitled to any relief of back wages.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 22nd day of June, 2006.

T. RAMACHANDRAREDDY, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marks for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एस. कुमार हैंडलिंग एजेंसी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या 65/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-29012/69/1999-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th July, 2006

S.O. 3156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 65/2001) of the Central Government Industrial Tribunal-cum-Labour Court Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s S. Kumar Handling Agency and their workman, which was received by the Central Government on 17-7-2006.

[No. L-29012/69/1999-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri N. K. R. Mohapatra,
Presiding Officer, C.G.I.T. -cum-Labour Court,
Bhubaneswar.

Industrial Dispute Case No. 65/2001

Date of Passing Award—19th June 2006

BETWEEN:

The Management of the Proprietor,
M/s. S. Kumar Handling Agency,
Station Road, Barbil, P. O. Barbil,
Dist. Keonjhar.

...1st Party Management

AND

Their Workman, Shri Laxman
Bankeria, Represented through
the General Secretary, North
Orissa Workers Union, At./po.
Barbil, P. O. Keonjhar

...2nd Party-Union.

APPEARANCES:

None ... For the 1st Party-Management.

Shri B. S. Pati,
General Secretary, Now
Union

... For 2nd Party-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/69/99-IR (Misc.), dated 09-11-1999/15-11-99/25-10-2001:—

“Whether the termination of service of Shri Laxman Bankeria, Wagon Loader by the Management of M/s S. Kumar Handling Agency, Contractor of M/s. MMTC Ltd., Barbil with effect from 31-8-1998 is justified? If not, to what relief the workman is entitled?”

2. As per the Claim Statement filed by the 2nd Party-Union the workman Shri Laxman Bankeria joined the establishment of the Management M/s. S. Kumar Handling Agency as a Wagon Loader in 1997. It is alleged that when the said workman and others demanded their Provident Fund receipts they were all refused employment with effect from 31-8-1998 without any prior notice or notice pay, etc. Hence these workers raised separate dispute through their Union before the Asst. Labour Commissioner (Central) resulting in the present reference.

3. As against the above the 1st Party-Management besides challenging the *locus-standi* of the Union and the powers of the Central Government in referring the matter to the Tribunal has averred that the workman was never an employee under him and as such the case is not maintainable in the eye of law.

4. On the basis of the pleadings of the parties the following issues were framed. But as the Management after filing his counter did not appear to contest the case he was set ex parte.

ISSUES

1. Whether the termination of service of Shri Laxman Bankeria, Wagon Loader by the Management of M/s. S. Kumar Handling Agency, Contractor of M/s. MMTC Ltd., with effect from 31-8-1998 is justified?

2. To what relief the workman is entitled?

Issue No. 1 & 2

5. Before dealing with the ex parte evidence adduced by the workman I would like to make it clear that in a case of the present nature it is very much incumbent upon the Union/Workman to prove that there was employee-employer relationship between the parties and to prove the same the onus is heavy on the workman to establish that he was employed by the Management. But most curiously even though the workman claims that he was engaged in

1997 and refused employment in August 1998, not even a single scrap of paper has been produced by him to show that there was a semblance of relationship between himself and the Management. His evidence shows that for loading of wagon 10 to 12 persons were required and for this the management used to pay them @ 350/- per wagon. When during the year 1990 these wagon loaders demanded increase in the above rate as also claimed for their regularization, the Management did not engage them with effect from 31-8-1998. His evidence further indicates that he was never issued with any letter of appointment either by the present Management (a contract agency) or by any other previous contractor under whom he claims to have had worked earlier. Thus evidence of the workman clearly brings home the conclusion that there was no employee-employer relationship between himself and the Management and therefore the action of the Management in refusing to engage him and others on their demanding higher rate for loading the wagons can not be termed as retrenchment as defined under the Industrial Dispute Act.

6. In view of the above, I find no merit in the reference and as such the workman is declared not entitled for any relief.

7. The reference is answered accordingly.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3157.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 931/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/107/2002-आईआर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 931/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/107/2002-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer: SHRI KULDIP SINGH

Case No. I. D. No. 931/2 K 5

Registered on 13-11-2002

Date of Decision 22-3-2006

Balbir Chand Versus Telecom

APPEARANCE

For the Workman : Mr. N. K. Jeet

For the Management : Mr. G. C. Babbar,
Advocate

AWARD

The Government of India vide notification No. L-40012/107/2002 IR(DU) dated 7-10-2002 referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Management of General Manager, Telecom Ferozepur in terminating the services of Sh. Balbir Chand S/o Shri Mothu Ram, workman w.e.f. 28-2-99 is just and legal? If not, to what relief the workman is entitled to and from which date?"

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is infact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3158.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय नं.- II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 687/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/119/2003-आईआर(डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.687/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No.II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the manangement of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No.L-40012/119/2003-IR(DU)]

SURENDRA SINGH, Desk Officer.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : SHRI KULDIP SINGH

Case No. I. D. No. 687/2005

Registered on 17-5-2004

Date of Decision 2-5-2006

Baljinder Singh : Vs. Telecom.

APPEARANCE:

For the workman : N. K. Jeet

For the Management : Ms. Dipali Puri

AWARD

The workman continues to be absent. Management appears through counsel. The notice to the workman was issued under R/C through postal receipt No. 132 dated 6-3-2006. It is 2nd of May 2006 but neither the workman is present, nor the notice sent to him under R/C has been received back unserved. The statutory period is over and there is presumption that the notice has been served upon the workman, but he is not present. There is only one address of the workman and on that the notice was sent to him. The Court has no option but to presume that the workman is not interested to prosecute his case. The representative through whom the workman was appearing earlier stated on the last date that the workman is not interested in prosecuting his case.

This Tribunal was required to adjudicated upon the matter "whether the action of the Management of General Manager, Telecom, Ropar in terminating the services of

Shri Baljinder Singh son of Shri Darshan Singh, workman, is just and legal? If not, to what relief the workman is entitled to and from which date ?". The workman in his statement of claim submitted that he had served the Management continuously from 14th of July, 2000 to 25th of September, 2001, on a monthly salary of Rs. 1560, that the Management terminated his services, but he has not given the date on which his services were terminated. He has claimed that the termination of his services is illegal, null and void and in violation of provisions of Industrial Disputes Act, in short Act and the principles of natural justice. He has further claimed that the Management retained his juniors and also recruited fresh hands and thereby violated the provisions of the Act. He has prayed for his re-instatement in service with all benefits, full back wages, costs and interest.

The Management has opposed the claim of the workman saying that he was not engaged by the management nor they ever terminated his services. According to them the Management had engaged a contractor, who provided the Labour/Manpower to the Management for emergent duties; that the payment was paid to the contractor. According to them a contract labour cannot claim regularization in service. They have also claimed that the workman has not impleaded necessary parties as the Department of Telecommunication has now become a Public Sector Undertaking, which is not governed by the Industrial Disputes Act. Admitting that the workman was engaged by a contractor from September 2000 to June 2001; and that he performed duty for 76 days, and since he did not work for 240 days therefore, he does not fall in the category of the workman. The Management has denied the contents of other paras of the claim petition.

It may be stated here that the workman did not appear in the court in person. Earlier he was appearing through representative who reported no instructions. The workman, despite a notice, under R/C, has not come in the Court. The parties have not produced any evidence except their pleadings which are not supported by any evidence. Not even by their affidavits. I, therefore, do not find any legal evidence on record to find out whether the workman was ever engaged by the Management directly; and that his services were terminated by the Management, and the action of the Management was not justified and legal. In the absence of any evidence this Tribunal cannot decide the reference on merit. The workman has chosen not to come and produce his evidence therefore, he is not entitled to any relief. As such his claim is rejected. This reference is answered in these words. Let a copy of this award be sent to the Management for appropriate Government and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.- II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 657/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/177/2001-आईआर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 657/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/177/2001-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : SHRI KULDIP SINGH

Case No. I. D. No. 657/2005

Registered on 29-9-2001/24-8-2005

Date of Decision 6-6-2006.

Karam Singh,
C/o Sh. N. K. Jeet,
27349, Lal Singh
Basti Road, Bhatinda
(Panjab)

...Petitioner

Versus

D/O Telecom,
Sanchar Bhawan,
New Delhi, Pin Code-110001

...Respondent

APPEARANCE:

For the Workman : N. K. Jeet
For the Management : Mr. G. C. Babbar,
Advocate.

AWARD

The workman continues to be absent. Management appears through counsel.

On the last date of hearing Mr. N. K. Jeet who had been appearing for the workman all along stated that he has no instructions to appear in this case. From the perusal of the record it appeared that the workman filed the statement of claim through Sh. N. K. Jeet. He appeared all along through Sh. N. K. Jeet, who claimed himself to be duly authorized to file the Claim Statement and prosecute the case. On record there is nothing to show that Sh. N. K. Jeet was authorized by the workman to appear for him, file the Claim Petition and also do all that what was necessary for the disposal of the claim. When Mr. N. K. Jeet was put this quarry he failed to show any authority letter authorizing him to appear in the case. He undertook to provide the address of the workman, but did not provide the same and stopped appearing in the case. He did not appear in the case on the last date of hearing and is also not present today. On record there is no address of the workman other than "C/o Sh. N. K. Jeet", who, as stated earlier, has stopped appearing in the case. The Court is at loss to serve the workman and to know his case. The workman himself has never appeared in the case. Thus it cannot be said whether workman with the name Karam Singh, was engaged by the Management and his services were terminated by them without following the provisions of law.

The Management, in their reply to the claim of the workman, has submitted that the workman was neither engaged by them nor his services were terminated by them. According to them the Management had engaged a contractor for performance of emergency work and he was paid for the work done. Taking the assistance of the judgements passed by the Supreme Court and High Courts of the country, the Management has claimed that the workman was neither recruited nor his services were terminated by the Management. He might have worked as contract labourer and in that capacity he did not earn right to be regularized in services. The Management has shown complete ignorance about the status of the workman and has denied categorically that he was ever engaged by the Management.

In the circumstances when the workman has not come forward to support his claim and when the relationship claimed by the workman has been categorically denied by the Management, in their Written Statement duly supported by the Affidavit of their witness H. C. Doghla, S. D. E. Legal, it cannot be held that whether or not the Management had engaged the workman and his services were terminated by them without following the provisions of law. For these reasons it can be held that the workman is not entitled to any relief. The reference, is therefore, answered in these terms. Let a copy of this award be sent to the appropriate Government for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

AWARD

का.आ. 3160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 548/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/94/2001-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 548/2005) of the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/94/2001-IR(DU)]

SURENDRA SINGH, Desk Officer.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case No. I.D. No. 548/2005

Registered on 23-08-2005.

Date of Decision 09-06-2006.

Ram Gopal
C/o Sh. N.K. Jeet, 27349,
Lat Singh Basti Road,
Bhatinda (Punjab)

....Petitioner

Versus

D/o Telecom,
Sanchar Bhawan,
New Delhi.

....Respondent

APPEARANCE:

For the Workman : N.K. Jeet

For the Management : Mr. G.C. Babbar,
Advocate

Nobody is present for the workman. On 28th March, 2006 Sh. R.P. Singh made an application that the workman has expired & his legal representatives want to continue with the prosecution of this reference. He requested for a date. The application was considered though it was made by a person not duly authorized. The case was adjourned from 29th March, 2006 to this date. In this between neither the legal representatives of the deceased workman nor their authorized representative appeared and made an application for substitution in place of the deceased workman. Today also none of them is present. This shows that the LR's of the workman are not interested in continuing with the proceedings of this case. There is also nothing to show as to when the workman had died as he never attended the Court after 3rd May, 2005, on which day his part statement was recorded. Therefore, it is presumed that the workman and after his death his LR's are not interested to continued with this case.

The Govt. of India vide their notification No. L-40012/94/2001 IR(DU) dated 26th June, 2001 referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Management of General Manager, Telecom, Bhatinda in terminating the services of Sh. Ram Gopal S/o Sh. Bulla Ram is just and legal? If not, to what relief the workman is entitled to and from which date?"

On getting the notice of the reference the parties appeared. The workman appeared through Sh. N. K. Jeet whereas the Management appeared through different Counsel and finally it was Mr. D.R. Sharma who represented the Management. The workman filed his statement of claim and submitted that he had served the Management on a permanent job as sweeper in Telephone Exchange, Raman on a salary of Rs. 1517 p.m. from 26th June, 1997 till 1st March, 1999; that the Management without following the provisions of Industrial Dispute Act terminated his services. They retained the juniors of the workman and also recruited fresh hands, therefore, the termination of services of the workman is illegal and he is entitled for reinstatement in service with full back wages, interest and cost of the proceedings.

The Management has opposed the claim of the workman. They have raised preliminary objections to the maintainability of the petition saying that the Department of Telecom Services no more exists & the BSNL is a company registered under the companies Act. The workman was never an employee of the BSNL nor he ever worked for them, therefore, his claim against the BSNL is not maintainable; that the workman had not impleaded the Chairman-cum-Managing Director of BSNL therefore,

the petition is not maintainable, for non-joinder of necessary parties. They have also claimed that BSNL is not subject to Industrial Dispute Act and for that reason also the petition should be dismissed.

On merit it is their claim that there is nothing on record to show that the workman was appointed on 26th June, 1997 on a monthly salary of Rs. 1517. Moreover there was a ban on the Deptt. of Telecom to engage any Casual Labour, therefore, there was no occasion to engage the workman on a permanent job. They admitted that the workman was given part time job as sweeper on contract basis to work for 2.00 hours in a day on need basis. However, the P&T manual was amended on 12th Feb., 1999 & the para permitting engagement of part time workers was deleted & that ended the system of engaging casual labourers on contract basis. They denied that the services of the workman was terminated on 1st March, 1999.

The management taking the assistance of Judgements of the Supreme Court and different High Courts of the country has claimed that a part time worker cannot claim a right to hold the Civil job, therefore, no court can give such a direction. Claiming that recruitment on permanent job could be done only under the recruitment rules read with Article 309 of the Indian Constitution, they denied other paras of the Claim Petition. It is stated by the Management that since there was complete ban on the recruitment, therefore, the question of recruitment of workman did not arise. There never existed a relationship of employer and employee between the parties. They have prayed for dismissal of the Claim Petition.

The workman filed his rejoinder & claimed that the BSNL having inherited all the assets and liabilities of the department of Communication, therefore, they cannot claim that they are not answerable to the liabilities left by the Deptt. of Communication. The workman has further claimed that both BSNL and Deptt. of Communication is subject matter of Industrial Dispute Act. On merit the workman reiterated the facts stated in the Claim Petition & further submitted that the Deptt. of Telecommunication had granted temporary status to the part time sweepers & also regularized them in Ferozepur vide their order dated 30th March, 1985 & 22nd June, 1988. According to him no part time worker was terminated anywhere in the State of Punjab; and the Govt. of India has prohibited the employment of sweeper on contract basis. It is also stated by him that he was neither issued any charge-sheet nor any inquiry was held against him. The Management violated the rules in denying the regularization of the workman. They further violated the rules in making fresh recruitments.

After their pleadings, the Tribunal directed the parties to produce evidence. The workman appeared on 3rd

May, 2005 but his statement could not be completed. Thereafter he did not appear. Now it is stated that he has expired. The LR's of the workman have not come forward to support the Claim of the workman. Thus, the pleadings of the workman have not been proved since these have not been tested on the touchstone of cross-examination by the Management. As stated earlier the Management has categorically denied the claim of the workman that he was recruited by the Management and he served them continuously from 26th June, 1997 till 1st March, 1999. The workman has also not proved that he was engaged by the Management and they terminated his services without following the provisions of Industrial Dispute Act. On record I do not find any evidence to show that the Management, General Manager, Telecom, Bhatinda had terminated the services of the workman without following the provisions of Industrial Dispute Act. Therefore, the workman is not entitled to any relief. The reference made is answered in these works. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-11, चण्डीगढ़ के मंचाट (संदर्भ संख्या 902/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/477/1999-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 902/2005) of the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/477/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

Presiding Officer : Shri Kuldeep Singh

CASE NO. I.D. No. 902/2005

Registered on 10-05-2005

Date of Decision 22-03-2006

Rajesh Kumar

Versus

Telecom.

APPEARANCES

For the Workman : Mr. N.K. Jeet

For the Management : Mr. G.C. Babbar,
Advocate

AWARD

The Government of India vide notification No. L-40012/477/99 IR(DU) dated 13-3-2000 referred the following matter for the adjudication of this Tribunal :

“Whether the action of the Management of General Manager, Telecom, Bhatinda in terminating the services of Sh. Rajesh Kumar S/o Sh. Duni Chand is legal and justified? If not, to what relief the workman is entitled and from which date?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is infact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Disputes Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 733/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/384/1999-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3162.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 733/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/384/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

Presiding Officer : Shri Kuldeep Singh

Case No. I.D. No. 733/2005

Registered on 01-09-2005,

Date of Decision 07-06-2006.

Satnam Mukhiya

S/o Sh. Bishamber Mukhiya

C/o Sh. N.K. Jeet, President,

Telecom Labour Union,

Mohalla Hari Nagar,

Lal Singh Basti Road,

Bhatinda (Punjab)

Petitioner

Versus

Ministry of Communication,

D/o Telecom,

Sanchar Bhawan,

New Delhi

Respondent

APPEARANCES:

For the Workman

Mr. N.K. Jeet

For the Management

Mr. G.C. Babbar,
Advocate

AWARD

The workman is not present. On the last date of hearing Mr. R.P. Rana who represented the workman in the case all along submitted that the workman shall be informed about the date fixed in the case, and that he has no instructions to appear on behalf of the workman. Today neither the workman is present nor there is any request on his behalf for adjournment. The perusal of the file shows that the workman was summoned by the Court on the address given in the reference i.e. C/o Sh. N.K. Jeet. Mr. Jeet was given notice and through him to the workman to appear in the case. On 16th March, 2006 Mr. Jeet stated he has no instructions to appear in the case nor he has the address of the workman on which he can be served. In the circumstances the Court is at loss to serve the workman and know his case. The workman himself has not bothered to find out the progress in his case and that speaks of his interest in following his claim.

The appropriate Government vide their order No. L-40012/384/99 IR(DU) dated 9th Feb., 2000 desired to know whether the action of the Management of General Manager Telecom, Bhatinda in terminating the services of Shri Satnam Mukhiya S/o Bishamber Mukhiya is legal and justified? If not, to what relief the workman is entitled and from which date.

The workman in his statement of Claim submitted that he had served the Management from 1st Jan., 1992 to 1st March, 1999 in telephone exchange, Ramana on a monthly salary of Rs. 2138/- and the Management terminated his services without following the provisions of Industrial Dispute Act 1947 hereinafter to be referred as "Act". The Management by a Written Statement denied the claim of the workman and supported the same with the affidavit of Shri Rajinder Singh Sethi, their DE Phones. (Legal). According to them the workman was neither engaged by them nor his services were terminated by the Management.

As stated earlier the workman has not appeared in the case on any day nor filed his affidavit to counter the claim of the Management made by them through their witness Rajinder Singh Sethi. The workman has also not come in the witness box and, therefore, the Claim made by the parties has remained unsubstantiated. In this, the loser is the workman as it is he who has come to the Court for relief. I do not find any evidence to hold that the workman was in fact engaged by the Management and it was they who terminated the services of the workman and the termination was not justified and legal. In the circumstances the workman is not entitled to any relief. The reference is answered in these terms. Let a copy

of this award be sent to the appropriate Government for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध निषेधकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 315/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार का 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/458/1999-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref: No. 315/2005) of the Central Government Industrial Tribunal-cum-Labour Court No.-II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/458/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case No. I.D. No. 315/2005

Registered on 12-08-2005

Date of Decision 02-05-2006

Sh. Pardeep Kumar S/o Sh. Nand Lal, C/o Mr. N.K. Jeet,
Mohalla Hari Nagar, Lal Singh Basti Road, Bhatinda.

.....Petitioner

Versus

General Manager, Telecom, Hoshiarpur.

.....Respondent

APPEARANCES

For the Workman : Mr. N.K. Jeet
 For the Management : Ms. Deepali Puri,
 Advocate

AWARD

The workman is not present. Management is also not present. On the last date of hearing the representative, who was appearing for the workman earlier, stated that the workman is not interested to prosecute his case. He also reported no instructions to appear. Upon this, it was directed that a notice under R/C be sent to the workman so that it could be verified whether the workman is interested to follow his case or the statement of the representative is correct. The notice to the workman was sent by a registered post under postal receipt No. 132 dated 6-3-2006, on the address available on the record. It is second of May today and neither the workman is present nor the registered cover carrying the notice has been received back. The statutory period is over to presume that the workman has received the notice but he has chosen not to appear in the case.

The Government of India asked this Tribunal to adjudicate upon the following matter :

“Whether the action of the management of General Manager, Telecom, Hoshiarpur (Pb) in ordering disengagement/termination of services of Sh. Pradeep Kumar workman engaged through contractor Sh. Ashok Kumar Sharma, w.e.f. 1-4-1996 is legal and justified? If not, to what relief the workman is entitled and from which date?”

Upon notice to the parties they appeared through their representatives. The record of the file shows that the workman hardly appeared in person to prosecute the case. It was only Mr. N.K. Jeet, who appeared for him and filed the claim petition and other pleadings under his signature. Now the said representative has reported no instructions. The management has filed reply to the claim statement of the workman and has also placed on record, Photo copies of the documents including the agreement. The management has also filed the affidavit of their witness whereas the workman, after filing the rejoinder, has practically withdrawn from the prosecution of the case.

The claim of the workman is that he had served, as clerk in TRA Branch of General Manager, Telecom Hoshiarpur from 1-4-1996 to 28-2-1999 on a permanent job

on the salary Rs. 2138 per month; that the management terminated the services of the workman on 28-2-1999 without following the due procedure under the Industrial Dispute Act. They retained the juniors of the workman and also recruited fresh hands, but the workman was not given chance whereas he had a preferential right of recruitment. The management has denied the claim of the workman. They have submitted that the management is not an industry, therefore, they are not governed by Industrial Dispute Act, for short “ACT”. It is further claimed that the workman was never recruited by the management as is claimed rather the management had entered into contract with one Ashok Kumar Sharma, for providing labour to the management and the workman having not impleaded said contractor as party, therefore, the petition is not maintainable.

On merit the management has denied the claim of the workman that he was appointed on 1-4-1996; and that he was paid wages at the rate of Rs. 2138 per month. According to them the workman was neither recruited by the management nor his services were terminated by them. They have asked the workman to prove his case with substantial evidence. In support of their claim, they have placed on record, the photo copy of the agreement and other documents besides the affidavit of their witness SDO(P) Hoshiarpur. After going through the file I find that the parties have not proved their pleadings, as none of the witnesses of the parties has come into witness box to stand to the cross-examination of the opposite side. The claim made by the parties have remained only the claim on paper and not supported by any evidence. In a proceeding like this it was the duty of the workman to have proved that he had been engaged by the management; and that the management had terminated his services on 28-2-1999, which action of the management was illegal and unjustified. The workman, as stated above has withdrawn from the proceedings and has not come even after a notice to him under R/C. There is otherwise also no evidence on record to show that the workman was engaged by the management through a Contractor and they had terminated his services illegally and without any justification. In the circumstances the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to the appropriate Government for necessary action under Rules and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 738/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/411/1999-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 738/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/411/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case No. I.D. No. 738/2005

Registered on 02-09-2005

Date of Decision : 16-05-2006

Sh. Ramesh Kumar S/o Sh. Hans Raj C/o Sh. N.K. Jeet,
Mohalla Hari Nagar, Lal Singh Basti Road, Bathinda

—Petitioner

Versus

General Manager, Telecom, Bathinda

—Respondent

APPEARANCES

For the Workman : Nemo

For the Management : Mr. G. C. Babbar, Advocate

AWARD

The Workmen continues to be absent Mr. R.P Singh, who has been appearing in the case for the workman and who had sought time to file letter of authority as well as

affidavit of workmen is present. He states that he has no instructions to appear in this case. The record of the file shows that the workman has not appeared in person on any date and only his representative Mr. N.K Jeet appeared on his behalf. In the reference also the workman was shown as "Care of Sh. N.K Jeet". The pleadings of the workman have also been signed by Sh. N.K Jeet, but on the record I have not found the authority letter by which the workman had ever authorized Sh. N.K Jeet or anybody else to represent him. When the workman did not appear in the case, the notice to him was issued on the address available on record, that is, care of Sh. N.K Jeet. But neither he filed his authority letter authorizing representative to appear on his behalf nor he appeared in person. Sh. N.K Jeet did not respond to the notice issued to him under this office letter No. 1962 dated 26-12-2005. The court has no other address on which the workman could be served. Thus the Court is satisfied that the workman is not interested in prosecuting his claim made through the reference under consideration. The Court is further satisfied that the claim petition filed by Sh. N.K Jeet was without authority and therefore, needs no consideration.

The Govt. of India has desired to know "whether the action of the Management of General Manager, Telecom, Bathinda in terminating the services of Ramesh Kumar S/o Sh. Hans Raj is Legal and Justified, if not, to what relief the workman is entitled or and from what date." As stated earlier the workman has not come forward to detail his claim. In the statement of claim which was filed by Sh. N.K. Jeet he claimed that he had served the management of Telephone Exchange, Mansa, from 23-01-1997 to 01-03-1999 on the monthly salary of Rs. 2,138; that the management did not follow the provisions of Industrial Dispute Act, 1947, to be referred to in short, "ACT" and principles of natural justice. They retained the juniors of the workman and also recruited fresh hands without providing chance to the workman. He has prayed for his reinstatement with continuity in service with full back wages along with interest thereon and costs. By his rejoinder he has contested the case of the management made out by them in their written statement. He denied that he was ever engaged by a contractor. He claimed that he was provided work by the management and it is they who supervised his working. He served the management for 240 days and thus he was entitled to protection under the ACT. He has further alleged that neither the management was validly registered nor the contractor had the licence to engage labour under the Contract Labour (R&A) ACT 1970. He also denied that the management could not engage the labour directly in view of the ban imposed and stated that management had recruited employees directly.

The management in reply to the claim of the workman submitted that the claim is not maintainable since he was not engaged by the management as peon directly and he has not impleaded the concerned contractor as necessary

party; therefore, his claim is not maintainable. On merit it is their case that the management had never engaged a workman or labourer prior to 1st August, 1994 directly or through a contractor. They obtained registration certificate under the Contract Labour (R&A) Act, 1997 and thereafter entered into agreement on 1st August, 1994 with Amarjeet Singh, who had valid licenses issued by Assistant Labour Commissioner, Chandigarh. It was the contractor who provided casual labourers to the management therefore, it was contractors who were required to follow the provision of Section 25 F of the Act. According to them a daily wage employee cannot acquire the right to hold a civil post as is held by the High Court of Himachal Pradesh and Apex Court of the country. It is their case that the recruitment on a civil post is done under the service rules framed under article 369 of the Indian Constitution. Giving the history of recruitment in the departments of Govt. of India it is claimed by the management that in the Department of Telecom it was directed that no recruitment from the open market be done till the existing employees in the basic feeder cadre are screened and eligible employees accommodated in the restructured cadre like Senior Telecom Operating Assistant. The ban on engaging casual labourers is continuing since 1st April, 1985 besides there is also partial ban for engagement of casual labourers except for co-axial cable work in the project organization and in line dismantling/construction work in electrification project circles. But those labourers should also be engaged for specific jobs and retrenched as soon as the work is over. In view of the ban imposed the engagement of workman as peon could not be considered. Thus his claim is not maintainable as he was neither appointed by the management nor recruited directly. The question of terminating his service therefore does not arise. The management has categorically denied the claim of the workman.

On record there are only pleadings of the parties and no proof. The management has produced photocopies of some documents but the same have not been proved in accordance with law. On the other hand the workman has failed to lead any evidence in support of his claim. As stated earlier he never appeared in the case and the person who claimed himself to be authorized by him was never authorized by the workman. The workman has not come in the witness box nor has filed his affidavit in support of the pleadings. The whereabouts of the workman are not available. The only address available with the Tribunal was through Shri N.K. Jeet and on a notice to him on that address Sh. N.K. Jeet stated that he has no instructions to appear. He also could not produce any authority letter in support of his claim to represent the workman.

As regards, the merit of the case I do not find any evidence to support the claims of the workman which has been categorically denied by the management. There is therefore, no evidence to hold that workman was engaged by the management and that his services were terminated in violation of provisions of the Act. For this reason the workman is entitled to no relief. The reference is answered

in these terms: Let a copy of the award be sent to the appropriate Govt. for necessary action and the file be consigned to records after thorough completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या सी जी आई टी ए-239/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40011/7/1999-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006.

S.O. 3165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGITA-239/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 17-7-2006

[No. L-40011/7/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT : Shri B.I. Kazi (B.Sc., L.L.M.)
Presiding Officer

Industrial Dispute (Reference C.G.I.T.A.) No. 239/04
Old (I.T.C.) No. 171/1993

The Chief Post Master,
Ahmedabad G.P.O.
Ahmedabad

The Chief Post Master General
Gujarat Circle, Khanpur

V/s.

Dy. Secretary,
All India Postal Employees
Union Class III
Ahmedabad G.P.O.
Ahmedabad (Gujarat)

... First Party

... Second Party

APPEARANCES :

First Party : Shri R.S. Munshy

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-40011/7/99-IR(DU) dated, 29-10-1989 to this Tribunal for adjudication. The terms of reference is as under :

SCHEDULE

"Whether the action of the management of Postal Department in reducing the strength to staff numbering 9 and re-deployment of these staff at other places is justified ? If not to, what relief the concerned workman are entitled. ?"

2. A notice was issued to the parties to file their claims. The Second party have filed the statement of claim by Ex. 6. The first party has filed the written statement by Ex. 11. However, the proper opportunity was given by this Tribunal to prove its case to the second party. The second party failed to prove its case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen failed to prove its case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of Postal Department in reducing the strength to staff numbering 9 and re-deployment of these staff at other places is just. The concerned workmen are not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 22-03-06

Ahmedabad B.I. KAZI, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जवाहर नवोदय विद्यालय के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1101/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/93/1996-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1101/2005) of the Central Government Industrial Tribunal-

cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jawahar Navodaya Vidyalaya and their workman, which was received by the Central Government on 17-7-2006.

[No. L-42012/93/1996-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Shri Kuldip Singh : Presiding Officer

Case I.D. No. 1101

Registered on 07-07-97

Date of Decision : 8-6-06

Sh. Rakesh Kumar S/o Sh. V.R. Chanan, Vill. Khajuri,
PO Nangal, Distt. Yamuna Nagar, Haryana-135001.

... Petitioner

Versus

Dy. Director, Navodaya Vidyalaya Samiti, Adult
Education Building, Sector-42, Chandigarh-160017.

... Respondent

APPEARANCES :

For the Workman : Mr. C.D. Kataria, Advocate

For the Management : Mr. D. R. Sharma, Advocate

AWARD

The Govt. of India vide their notification No. L-42012/93/1996-IR(DU) dated 19th June, 1997 referred the following dispute for the adjudication of this Tribunal :

"Whether the action of the Management of Jawahar Navodaya Vidyalaya, Longowal, Sangrur in terminating the services of Sh. Rakesh Kumar, Store-Keeper is legal and justified ? If not, to what relief the concerned workman is entitled and from what date ?"

On the receipt of notification notices were issued to the parties who appeared through their Counsel. Later on the Management change their Counsel but the parties have prosecuted their respective claim with the help of the Counsel.

In support of his claim the workman filed the statement of Claim by which he claim that he was appointed as Store Keeper on daily wages on 15th Nov., 1992 and he served the Management till 28th July, 1995 on which day the Management terminated his services vide their

No. JNVL : 95 : 1138 that he served the Management with full dedication and his services were acknowledge and appreciated by the Management; that he served the Management for 840 days still the Management did not regularize him whereas those who had just served for 240 days like Kamala Devi but her services were regularized. The Management did not serve any notice to the workman nor there was any inquiry held against him or she was ever charge sheeted. The Management thus violated the provisions of Sec-25-F of the Industrial Dispute Act, hereinafter to be referred as Act. The workman in the end has prayed for reinstatement in service with full back wages, continuity in service and all consequential benefits. In support of his claim he has placed on record photocopy of certificate issued by Gurdial Singh the Principal issued on 18th Nov., 1995, the copy of office Order dated 28th July, 1995 and a number of certificates issued by the Principal of the respondent institute from time to time, application made by the workman to the Assistant Labour Commissioner, Chandigarh and reply of the Management thereto.

The Management filed reply to the statement of Claim of the workman whereby they committed the claim of the workman that the workman was engaged on daily wages on 15th Nov., 1992 & he work for the period as claimed by him in the Claim Petition they also admitted the claim of the workman as made in para 2 of the Claim Petition and thereby admitted that the Management terminated the services of the workman on 28th July, 1995 in reply to para 3 they submitted that the workman was engaged purely on stop gap arrangement & prescribed procedure was not followed in making his appointment. It is further claimed by them the engagement of workman was against the vacancy caused due to the absence of one Jasmeet Kaur on leave and absence from duty for a long period. Contesting the claim of the workman about the appointment of Mrs. Kamala Devi it is stated by the Management that she was engaged on being sponsored by the Employment Exchange against the Group Depots and her services were regularized on compassionate grounds. As regard the workman, his services could not be regularize as per rules and he was given emotional breaks including a long break from 1st May, 1993 to 26th Aug., 1993 during this period Jasmeet Kaur performed her duties. It is also their case that since the workman was engaged on daily wages therefore there was no necessity of issuing him a notice or chargesheet or holding of departmental inquiry and the Management did not violate the provisions of the Act in terminating his services. There also registered no relationship of Employee or Employer between the parties.

The workman filed his affidavit in support of his claim whereas the Management also filed the affidavit of Gurdial Singh their Principal. Both workmen and Gurdial Singh appeared as a witness and stood for Cross-Examination by the Opposite side. The workman in his statement proved

his affidavit exhibit W 1 and documents W2 to W 18. He denied that he was appointed against the vacancy cause by Jasmeet Kaur. Sh. Gurdial Singh by his statement convicted committed the contents of affidavit and M1 that of documents M2 to M6. He admitted that there was never a complaint against the work and conduct of the workman nor any inquiry was held against him before terminating from services. He prove documents W 4, 5 or 7 as correct.

After going through the pleadings of the parties and the evidence produced by them both documentary and oral, I am convinced that the parties have very fairly submitted their cases and have insisted the Court in disposing of this case in a very dignified manner.

The Management has not denied that the workman had served the Management from 15th Nov., 1992 till 28th July, 1995. They have also admitted that the workman had served the Management for more than 240 days 12 months proceeding the date of termination of services. In reply to para 1 of the Claim Petition they admitted that the Claim made by the workman with regard to the period he served the Management was correct. The workman in para 1 of the Claim Petition stated that he had served the Management continuously from 15th Nov., 1992. He frankly admitted the breaks in his services on 12th Feb., 1993 from 1st May to 26th Aug., 1993, on 25th Nov., 1993, 23rd Feb., 1994, 1st May 1994, 29th July, 1994, 27th Oct. 1994, 20th Jan., 1995, 16th April 1995 & 30th May, 1995 so the workman during the period of about three years he did not perform the duties for about 100 days and remain on duty all along and in no case less than for 240 days proceeding the date of termination of his services. Sh. Gurdial Singh, who appeared as witness of the Management admitted that no inquiry was held against the workman and therefore never have complained against the work and conduct.

On record I find copies of number of certificates issued which speak of good work and conduct of the workman. The Management has fail to show that the workman was appointed as daily rated worker and he was paid on daily rated basis. The Lawyers has settled the worker is a casual daily worker or is engaged on payment on contingency if he falls in the as is given in the Act. From the evidence available on record it is amply clear that the Management terminated the services of the workman on 28th July, 1995 by their order JNVL : 95 : 1138 that they did not issue any notice to the workman before terminating his services nor paid him the wages of the notice period. They have also fail to show that they pay compensation to the workman as was required under Section 25 F of the Act as record of 15 days salary for each. They have also failed to show that a notice or proposed for the termination of the workman was issued to the appropriate Govt. are the authority apprised by them in his behalf. Thus the termination of the workman was bad in law and was made

in violation of the provision of the Act. The termination is therefore held bad in law and is quashed. The workman is treated to be in service as if there was no order of terminating his services passed on 28th July, 1995.

Now the question that comes for consideration is as to what relief the workman is entitled to. The parties have not contested this part of the reference. The workman in his Claim Petition has simply claim full back wages without showing whether during this period he was gainfully engaged or not the management has also fail in their duty to insist in this regard by putting any question to the workman that he was gainfully engaged during this period or not. The workman has survived all this period and must have supported his family by his own earnings otherwise he would have claim that he is dependent on the income of others or on any other source. The conclusion which can be drive earn his livelihood and supported his family with his earning which may be he would have what for the termination of his services. In the circumstances the workman is entitled to all services benefits as he would have earn what for the termination of the services by the Management however he will be entitled to back wages only to the 50%. The Management is directed to reinstate him and give him all benefits within one month from the date of the copy of the award serve in. On their failing to do so the workman shall also be entitled for interests of the back wages at the rate of 9% p.a. from the date of the period of one month. Let a copy of this award be sent to the appropriate Govt. for necessary action and file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाखड़ा बाँध के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 972/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/16/1992-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 972/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bhakra Dam and their workman, which was received by the Central Government on 17-7-2006.

[No. L-42012/16/1992-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, SECTOR-18 CHANDIGARH

Presiding Officer: Shri Kuldip Singh

Case No. 972/2 K 5

Registered on 27-1-93

Date of Decision 10-04-2006

Jit Singh

vs.

Bhakra Dam

APPEARANCE:

For the Workman: Sh. T. C. Sharma, Advocate

For the Management: Sh. Ashok Kumar Khunger, Advocate

AWARD

The following matter was referred by the Government of India for adjudication of this Tribunal *vide* their No. L-42012/16/1992-IR(DU) dated 8-1-93:

"Whether the action of the Chief Engineer, Bhakra Dam, Nangal Township, Distt. Ropar in terminating the services of Sh. Jit Singh, w.e.f. 18-10-90 is justified? If not what relief the concerned workman is entitled to and from what date?"

The notice of the reference was issued to the parties who appeared through their representatives. The workman filed the statement of claim on 18th of March, 1993 to which the Management filed the W/S on 19th of April, 1994. The workman also filed the rejoinder and his affidavit. The Management filed the affidavit of K.S. Walia, SDO. The parties also placed on record photo copies of the documents. The management also filed the affidavit of their another witness R. K. Singla, SDO.

In support of his claim workman appeared as a witness and stood to the cross-examination of the Management. The record of the file shows that his statement was recorded twice whereas management examined R.K. Singla as their witness. The case was listed for further cross-examination of witness of Management, who was directed to come with the relevant record. But today the workman has submitted another affidavit whereby he has stated that the matter regarding his retrenchment is pending in this Court; that he has settled the matter with the Management finally. The Management has provided him regular appointment to his satisfaction. He has no more claim against the management, therefore, he withdraws from the case. He has prayed for closing his case for these reasons.

In view of the affidavit of the workman, who by his statement has admitted the contents thereof before this Court and who was identified by his representative as the person who is a petitioner in this case, there remains nothing to enquire into matter.

I have considered the submission made by the workman and has also gone through the file. The evidence of the management is still going on, therefore, they cannot be said to have been provided with full opportunity to prove their case. Therefore, the matter cannot be considered on merit. The workman to his wisdom has compromised with the management and he has been provided regular appointment to his satisfaction. By his sworn testimony he has surrendered his other claims, if any, against the Management when he stated that he has no more claim against the management therefore, he is not interested to pursue the matter further. In view of the statement made by the workman on oath there remains nothing to show that the termination of the services of the workman on 18th of October, 1990 was unjustified. The workman by his statement himself has contradicted the claim made by him in the statement of claim and in the affidavit filed by him and proved by his statement.

In the circumstances, the award is passed and the reference is answered in the terms that there is nothing to show that the order of terminating the services of workman on 18th of October, 1990 was unjustified. The workman is therefore, entitled to no relief. Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भैंस अनुसंधान संस्थान के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1134/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/154/1992-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1134/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workman, which was received by the Central Government on 17-7-2006.

[No. L-42012/154/1992-IR(DU)]

SURENDRA SINGH, Desk Officer.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

SHRI KULDIP SINGH, Presiding Officer

Case No. I.D. No. 1134/2005

Registered on 23-09-2005

Date of Decision 07-06-2006

Amarjit Singh S/o Sh. Bhand Singh,
Vill, Wajidpur, P. O. Rajgarh,
Tehsil Nabha, Patiala

....Petitioner

Versus

Department of Agri. Research & Education ICAR,
Krishi Bhawan, New Delhi-110001

....Respondent

APPEARANCE :

For the Workman : N. K. Jeet

For the Management : Mr. G. C. Babbar, Advocate

AWARD

The Government of India *vide* their Notification (No. L-42012/154/92-IR-DU) dated 7th December, 1993 referred the following matter for the adjudication of this Tribunal :

"Whether the action of the Management of Central Instt. for Research on Buffaloes, Nabha in terminating the services of Shri Amarjit Singh, S/o Shri Bhand Singh w.e.f. 17-08-1990 is legal and justified? If not, what relief the workman concerned is entitled to and from what date?"

The notice of the reference was given to the parties who appeared through their representatives.

The workman filed his Petition on 17th March, 1994 and claimed that he had put in three years of service for the Management when on 17th Aug. 1990 his services were terminated without notice, charge sheet, inquiry and compensation; that the management retained his juniors: Maghar Singh, Brij Lal & Bhola Singh whereas his services were terminated. They also recruited one Karnail Singh, a fresh hand. That the action of the Management was illegal & unjustified; that the workman is unemployed since the day of termination of his services. The workman has prayed for reinstatement in service with continuity and full back wages. The workman has supported his claim by his affidavit. The Management did not file reply to the Claim Petition initially. However, *vide* their letter No. NILI/114 dated 9th June, 1984 they informed the Tribunal that the four daily wage labourers including Amarjit Singh

S/o Bhand Singh did not serve the management for 240 days in a Calendar year therefore, they are not entitled for regularization. By their Written Statement dated 9th Dec., 1984 they denied the contents of paras 1 to 8 of the Claim Petition and submitted that the services of the workman was not terminated by the Management. The Management had summoned the workman vide their letter No. NILI/94/27—36 dated 3rd Jan., 1994 & letter No. NILI/94/264—73 dated 27th Jan., 1994 but he did not report for duty. The workman was given offer of work in presence of Assistant Labour Commissioner (C) Chandigarh, but he refused to accept the same. Otherwise also the workman had worked as ordinarily DPL for seasonal & occasional work. He was paid wages for that period as fixed by the Competent Authority. The Management has also supported their Claim with the affidavit Dr. N.V. Patil who also appeared as witness in the case & was cross-examined by the workman. The management also filed the affidavit of Dr. B.S. Chawla, but he was not produced for cross-examination, therefore, his statement shall not be taken for consideration in these proceedings.

The workman in his statement recorded on 27th Nov., 2001, proved his affidavit as correct. In the affidavit he claimed that he had served the management for three years without showing during which period. He further claimed that his services were terminated on 17th Aug., 1990 without notice, charge sheet, inquiry or compensation. He has further claimed that the Management terminated his services but retained his juniors such as Maghar Singh, Brij Lal & Bhola Singh. They also recruited Karnail Singh as fresh hand. When cross-examined, he admitted that he had started working for the Management in the year 1990 & remained with them upto 1997. He admitted that he had left the job in the year 1997. He denied that any settlement had taken place in the office of Assistant Labour Commissioner.

Without going to the evidence of the Management, the analysis which emerges from the statement of the workman is that he had served the Management from the year 1990 to 1997. In the Claim Petition he claimed that he had served the Management for three years whereas in the statement he stated that he had served the Management continuously and if so during which year and then how he served the Management for seven years. The statements made by the workman at different stages cannot be correlated and the only conclusion which can be derived out is that the workman had served the Management for seven years from 1990 to 1997 & he did not serve the Management continuously, muchless for 240 days preceding the date of his alleged termination. The matter ended when he admitted in the cross-examination "I left the job in 1997." He therefore, admitted that he had left the job at his own and it was not the Management which had disengaged him. He also denied that any settlement was arrived at in presence of the

Assistant Labour Commissioner whereas there is a letter placed on record bearing No. NILI/993/2847/60 dated 13th Sep., 1993. It reads that the Management agreed to engage the Daily paid workers who had not completed 240 days of service, on preferential basis for Casual & Seasonal Work available with them, subject to their efficiency. The workman was one of those who had been granted this favour. The Management placed on record annexure R1, according to which the workman had served the Management between 1988 to 1990 & not from 1990 to 1997, as is claimed by him. The workman had the chance to cross-examine the witness of the Management Dr. N.V. Patil. The witness denied that the workman served from 1987 to 16th Aug. 1990. He stood to the claim made in the affidavit that the workman served from the year 1980 to 1990. He denied that the juniors of the workman were retained. He however, admitted that Maghar Singh, Brij Lal & Karnail Singh were engaged but he has no evidence to show that they were juniors to the workman. On the other hand the workman did not produce any evidence to show that he had served the Management for 240 days before the termination of the services; that his services were terminated by the Management and that too without following the provisions of Industrial Dispute Act; that he was entitled but was not paid termination compensation, nor he was given any notice before termination and no information to the appropriate Govt. was conveyed.

After going through the evidence available on the record I am of the opinion that the workman has failed to prove that he had served the Management continuously for 240 days before the date of termination of his service and that it was the Management which had terminated his services without following the provisions of Industrial Dispute Act. The evidence is rather to this effect that the workman had left the service at his own and that the workman had not put in continuous service for the management for 240 days preceding the date of his disengagement. Therefore, the reference is answered in the terms that it was not the Management which had terminated the service of the workman and there is no evidence to show that Management had violated the provisions of Industrial Dispute Act in disengaging the workman. He is, therefore, not entitled to any relief. The reference is answered in these words. Let a copy of this award be sent to appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार असिस्टेंट सुपरिन्टेन्डेन्ट ऑफ पोस्ट आफिसेस कुल्लू (एन) के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय

नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 306/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/154/1992-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 306/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Asstt. Supdt. of Post Offices, Kullu (N) and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/154/1992-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I.D. NO. 306/2K5

Registered on 3-02-94

Date of Decision 22-5-2006

Ramesh Kumar S/o Rewat Ram, Peej District Kullu (HP)

—Petitioner

Versus

The Sr. Superintendent. of Post Offices, Mandi Division
Mandi (HP)

—Respondent

APPEARANCE

For the Workman: Mr. R.P. Rana, Advocate

For the Management Mr. K.K. Thakur, Advocate

AWARD

The Government of India referred the following matter for the adjudication of this tribunal *vide* their notification No. L-40012/154/92 dated 10th Jan. 1994:

“Whether the action of Asstt. Suptd. of Post Offices, Kullu (N) in terminating the services of Shri Ramesh Kumar Sharma w.e.f. 26-3-1992 is legal and justified? If not, what relief he is entitled to?”

On the receipt of notification the parties were summoned who appeared through their representatives. The workman did not file any C/P and submitted that the

demand notice filed by him before the Assistant Labour Commissioner may be treated as the Claim Petition and placed on record a copy thereof. The Management filed Written Statement on 16th May, 1994. The workman filed the rejoinder on 1st Dec. 1994. He also filed his affidavit.

It seems that the workman later on filed the amended Claim Petition on 16th Nov. 1999 and supported the same with his own affidavit duly attested. The Management filed fresh Written Statement which too was supported by an affidavit of Shri Ramesh Sharma, Assistant Superintendent of Post Offices. The workman appeared as a witness and he was cross-examined by the management whereas the Management examined Shri Umesh Kumar as their witness. The workman cross-examined the witness of the management. The parties have addressed the arguments. I have gone through the file and have also considered the arguments of the counsel for the parties.

It may be noted here that the court, after examining the pleadings of the parties, came to the conclusions that the workman has not filed proper Claim Statement. Therefore, it directed the workman to file proper Claim Statement and it seems the workman filed the amended Claim Statement in compliance to that direction on 30th Nov. 1999 to which the management choose not to file fresh written statement.

The claim of the workman is that on the deputation of Shri Inder Singh, to the Army Postal Service, he was given the appointment of Extra Departmental Delivery Agent (EDDA) Branch Office Peej, on 1st May 1991, by the Branch Post Master, Peej and information in that regard was sent to the Post Master Kullu, who was the drawing and disbursing authority, as well as Assistant Superintendent of Post Offices, Kullu, Sub-Division, who was the appointing authority. The appointing authority directed the Post Master, Kullu to draw the pay and allowances of the workman *vide* his letter dated 22nd Sep. 1991; that the workman continued serving the department till 26th March 1992 when suddenly his services were terminated without any notice or compensation. He was also not informed of any reason for his termination and the management just relieved the workman without giving him any order of termination; that the workman continuously served the management for 326 days, but they did not follow the provision of Section 25 of the “Industrial Dispute Act” for short ‘ACT’. The workman made representation to the Senior Superintendent of Post Office, Mandi Division, Mandi but that also was of no effect. He has claimed that the termination of his services was bad in law, therefore, the management be directed to reinstate him in service and give all service benefits for the period he has remained without services, including

the back wages, continuity of service and all other consequential benefits.

The Management has opposed the claim of the workman on the grounds that the workman is not entitled to the protection of provisions of the Act since he was a part time employee of the department and the scheme of Extra Departmental Systems was introduced mainly to provide services of the department to hilly and backward areas where the work was such that the establishment of permanent Post Offices could not be justified. Moreover, the appointment of workman was made by the outgoing extra departmental agent, Inder Singh and the workman was made clear that his services can be terminated on the selection of a regular candidate. Therefore, the termination of services of the workman could not fall within the purview of retrenchment. Also since the workman did not possess the required qualification for appointment as Extra Departmental person, therefore, he is not entitled to any relief. Moreover, the department of post and telegraph, is not an industry having been engaged to provide services to the public at large. Therefore, the provisions of the Act are not applicable to it.

On merit it is the claim of the management, that the engagement of workman was an arrangement made by Shri Inder Singh, the outgoing EDDA, on his own risk and responsibility which he was competent to do under rules. The workman was informed in writing on 22nd Sep. 1991 that his services were terminable at any time. Without any notice. The arrangement made was purely temporary. That the name of the workman was considered at the time of making regular selection and since he did not possess the required qualification, therefore, it could not be approved. It is also their case that since the services of the workman came to an end in accordance with the terms and conditions contained in the letter dated 22nd Sep. 1991. therefore no notice was required to be issued to him and the workman was not entitled to any protection under the "Act". The management in the end has prayed that the claim of the workman be rejected and the reference be answered accordingly.

The workman and the witness of the management have supported the claim made by parties in the pleadings. They appeared as a witness and were cross-examined by opposite side. Shri Umesh Kumar who appeared as a witness for the management in his statement admitted that the workman had served the department as Extra Departmental Delivery Agent, Peej, from 1st May 1991 to 26th March 1992 i.e. till the making of the regular recruitment, and that the regular appointee had joined on 26th March 1992.

The workman in his statement denied that he was employed by Shri Inder Singh as is claimed by the

management. He also denied to have received the letter dated 22nd Sep. 1991. He also denied that he was called at the time of regular appointment. he, however, admitted that he is 8th class fail.

The question which has fallen for the consideration of this tribunal is as to whether the action of the Assistant Superintendent of Post Offices, Kullu (N) in terminating the services of Shri Ramesh Kumar Sharma w.e.f. 26th March 1992 was legal and justified and if not to what relief he is entitled to? There is no dispute that the workman had served the management, as Extra Departmental person, from 1st May 1991 to 26th March 1992. Counted thus there is no dispute that the workman served the management for 330 days. It is not the claim of the management that the workman had not served continuously for 240 days preceding the date of termination of his services. The management has also admitted that the workman was not given any notice before the termination of his services. It is also not their case that he was given compensation at the time of termination of his services; and that the management had followed the provisions of Act at the time of services of the workman. Their case is that the workman was engaged in stop gap arrangement, which was made by the outgoing EDDA Inder Singh. Neither Inder Singh has been produced as a witness in this case nor the management has produced any other evidence to show that the engagement of the workman was an arrangement made by the outgoing EDDA. Inder Singh.

The next plea of the management is that since the engagement of the workman was for a specified period and he was disengaged on the occurrence of the specified occasion i. e. the appointment of the regular EDDA. To support their claim, they have taken the assistance of a letter dated 22nd Sep. 1991. According to them, the workman was engaged in terms of that letter and therefore, he was bound by the said letter. The workman in his statement in the court, denied having received such a letter. In order to rebut the claim of the workman the management was supposed to prove the letter dated 22nd Sep. 1991, a photo-copy of which is on record. The management has not taken any step to prove this document, especially when the receiving of this letter has been denied by the workman.

The perusal of the letter dated 22nd Sep. 1991 bearing no. B-5/Inder Singh/91 shows that it was a letter written by Assistant Superintendent of Post Offices, Kullu to the post master, Kullu regarding Ramesh Kumar, admittedly, the workman who was working as EDDA. Peej w.e.f. 1st May 1991 and asked that he may be paid pay and allowances as admissible under rules. The ASP further desired that the Ramesh Kumar be made to understand

that his engagement is till further orders or till the regular appointment of an EDDA is made under rules; and that his engagement is temporary and the services could be terminated at any time, without assigning any reason and without any notice. Moreover, he will not be entitled to make any representation for regular appointment. This letter does not show that a copy of it was served upon Ramesh Kumar, the workman, or that the workman had notice of this letter. Otherwise, also the workman was not a party to this letter. So it cannot bind him. Moreover, this letter was issued when the workman was already working for about 5 months and there is nothing to show that the workman had been engaged on the conditions as contained in this letter and he had joined the services after fully knowing the terms of his appointment.

The management has taken another plea to the claim of workman. It is their case that since the workman did not possess the required qualification for appointment as EDDA, therefore he cannot claim the relief he is seeking now. I think this plea of the management cannot be accepted for the reason that the qualifications of the workman were to be considered at the time of his initial appointment. Right or Wrong, his appointment was made by a competent person and it was impliedly approved by the ASP, as is shown by a letter dated 22nd Sep. 1991, which has been fully relied upon by the management in support of their case, when he directed for the payment of wages to the workman. Now the management cannot say that since the workman did not possess the required qualification, therefore, he has no right to make the present claim. There is absolutely no evidence produced by the management, to show that the engagement of the workman was infact a stop gap arrangement, made by Inder Singh, the outgoing EDDA. The management thus has failed to prove the grounds taken by them to rebut the case of the workman.

As stated earlier it is proved that the workman has served the management for 340 days continuously preceding the date of his termination from services. It is also proved that the management did not follow the provisions of Section 25-F of the Act as they did not giving notice to the workman before terminating his services, nor the wages for the notice period. They also did not pay any compensation to the workman nor they gave a notice to the competent authority about the proposed termination of the workman. The termination of the workman made on 23rd March 1992 was therefore, bad in law and the same is set aside. The workman is treated to be in service as if there was no termination of his services. As regard the entitlement of the workman to the benefits it is held that the workman is entitled to all service benefits which he would have been entitled to but for the order of the termination of his services.

However, a judicial notice is taken that the workman did not work for the management during this period. There is also no claim that he has remained without work for this period as he must have earned to support himself and his family at least to live from hand to mouth. Therefore, I Hold that the workman shall be entitled to 50% of the backwages. The management is directed to implement this award within 3 months of its publication in budget the Govt. failing which the workman shall also be entitled to interest on the amount found due to him, at the rate of 9% pa. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिस, फरीदकोट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 713/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/43/2003-आईआर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 713/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No.-II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Suptd. of Post Offices, Faridkot and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/43/2003-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

PRESIDING OFFICER : SHRI KULDIP SINGH

Case No. I.D. No. 713/2K5

Registered on 18-6-2003

Date of Decision 22-5-2006

Des Raj S/o Sh. Khem Chand,
Near Anguri Matta Mandir, House No. 279,
Ward No. 20, Malout Distt. Faridkot, Punjab.

—Petitioner

Versus

The Superintendent of Post Offices,
Department of Posts, Faridkot

—Respondent

APPEARANCE:

For the Workman : Mr. R. P. RANA, Advocate

For the Management : Mr. K. K. Thakur,
Advocate

AWARD

The Government of India *vide* their notification No. L-40012/43-2003-(IR (DU) dated 29th May, 2003 referred the following matter for the adjudication of this tribunal :

“Whether the action of the management of Superintendent of Post Offices, Faridkot Division, Faridkot (PB) in terminating the services of Sh. Des Raj S/o Sh. Khem Chand, Burj Sidhwan w.e.f. 30-9-99 without complying with the provisions of ID Act, was just, fair and legal? If not, what relief he is entitled to and from which date?”

The notice of the reference was given to the parties who appeared through their Counsel. The workman filed his C/P on 25th July, 2003 whereas the management filed written Statement on 10th Oct. 2003. In support of his claim the workman filed his affidavit and the management filed affidavit of their witness S. S. Sikarwar. They also filed photocopies of application of the workman, the copy of the letter sent to District Employment Officer, Muktsar and copy of the notification. The Management also filed the affidavit of their another witness, D. S. Jammu, who also came in the witness box and stood to the cross-examination of the opposite party. Workman also appeared as witness in the case.

I have gone through the file and have also considered the submission made by the counsel for the parties.

The reference made by the appropriate Govt. is to find out “whether the action of the management of Superintendent of the Post Office, Faridkot Division, Faridkot, in terminating the services of Sh. Des Raj S/o Sh. Khem Chand, Burj Sidhwan w.e.f. 30th Sep., 1999 without complying with the provisions of I.D. Act is just, fair and legal?” If not, what relief he is entitled to and from which date? The workman has claimed that he was employed as extra departmental runner Postman on 10th Oct., 1998 and his services were terminated on 30th Sep., 1999, without any notice, chargesheet, inquiry and compensation; that he was getting salary in the amount

of Rs. 2039 p.m., that in place of the workman, the management employed one Shyam Lal S/o Kishori Lal, therefore, the action of the management was illegal, unjustified and against all cannon of justice. He has prayed for his reinstatement with full backwages and continuity in service.

The Management has opposed the claim of the workman in their Written Statement and submitted that the disengagement of workman was not a case of retrenchment. According to them the post of EDR, Burj Sidhwan fell vacant on the retirement of Mohinder Singh, on the afternoon of 9th Oct., 1998; that since the making of the regular appointment on that post was to take same time, therefore the applicant was engaged to perform his duty as EDR, without following transparent process of recruitment. He was engaged only for transactory period and the workman was made aware that he will have to make way for the incumbent appointed on regular basis. According to the management, a request was made to Employment Exchange, Muktsar, for sponsoring the name of the OBC Candidate for the post of EDR since the post fallen vacant was reserved for OBC Category. Wide publicity was also made in the village inviting applications. The applications were received and one Shyam Lal S/o Kishori Lal was appointed since he possessed highest merit; that since the workman was under matric and also did not belong to OBC Category, therefore, Shri Shyam Lal was appointed as EDR provisionally on 15th Sep., 1999 and he was regularized on 22nd May, 2000, after he completed all the formalities. It is further claimed by them that at the time of the engagement of the workman, no selection process was undergone; that as per the law laid down by the Punjab & Haryana High Court, the disengagement of a person appointed on provisional basis, after the regular appointments are made, shall not amount to retrenchment.

On merits, the management has claimed that the workman has not stated the facts correctly in his petitions. He was made clear that on the making of the regular appointments, by the process of recruitment, he will have to make way for the regular appointees. It is further submitted by them that the workman has not stated true facts. He had drawn Rs. 2237/- as his salary per month; that Sh. Shyam Lal was recruited after following the recruitment process; that the disengagement of applicant was well justified since he was appointed on provisional basis and had to make way for the regular appointee.

I have gone through the pleadings of the parties and the evidence brought on record by them. There is no dispute that the workman had served the management as EDR Postman from 10th Oct., 98 to 20th Sep. 99. The

management in reply to paras 1 and 2 of the Claim Petition admitted that the workman was appointed as EDR on provisional basis. They have also admitted that he was also relieved on 30th Sep. 99. They also do not dispute that the workman was recruited on 10th Oct. 98. They further admitted that the workman was getting salary at the rate of Rs. 2237 including various allowances at the time of disengagement whereas the workman has claimed that he was getting Rs. 2039 as his salary. So it is admitted case of the parties that workman had served the management continuously for 240 days, in a calendar year, preceding the date of his retrenchment. The workman has taken the plea that since he had served the management continuously for 240 days, in a calendar year, immediately precedings the date of his disengagement, therefore he is entitled to the benefits as allowed under Section 25-F of the Industrial Dispute Act, hereinafter to be referred as 'ACT'.

Now, I proceed to examine this claim of the workman. In their W/S the management has claimed that the workman is not entitled to any relief since his appointment was not in accordance with the recruitment rules and the same was provisional. According to them the workman was to make way for the regular appointee as he was engaged in the circumstances when the post against which he was appointed had fallen vacant on the retirement of one Mohinder Singh, EDR and the recruitment process required sometime to make the appointment. They have claimed that, after the post fell vacant the management requested the Employment Exchange, Muktsar to sponsor, a panel for the post of EDR available in the Malout Sub-Divisional of Punjab and the person appointed was sponsored by the Employment Exchange. The management has also taken the plea that along side requisition made from Employment Exchange, Muktsar, the management had also invited applications for recruitment after giving wide publicity in the village and they had received the applications. During the course of arguments, the management submitted, for a perusal, the statement by which the Employment Exchange had recommended the case of one Shyam Lal and the tabulated statement showing the names of candidates who had applied for appointment as EDR, Burj Sidhwan. After perusing the record the management was directed to place photo-copy of the said record on the file. The examination of the record exposes further the malafide of the management in disengaging the workman and appointing their blue eyed, Shyam Lal on the post having fallen vacant after the retirement of Mohinder Singh and on which post the workman was already performing his duties.

The management in its Written Statement has claimed that the post against which the workman was working was reserved post for the OBC category. But they have failed to produce any evidence to show that Mohinder Singh, who had served on that post, was an OBC Category person and if so why the workman was appointed on that post though provisionally, as is the claim of the management. Secondly there is on record a notice, claim to be issued by the management, inviting applications for the post of the EDR, Burj Sidhwan, dated 1st June, 99. This notice does not contain any eligibility criteria that only a person belonging to OBC category can apply for the post. It reads that the person who is 18 years to 45 years of age having educational qualifications upto middle standard and a resident of Malout, Burj, Sidhwan shall be eligible to apply for the post. However, the preference shall be given to the candidate who is matriculate. Some other conditions like a certificate from the residents of the locality were also to be fulfilled. This notification clearly indicates that the post was not reserved for OBC Category as is claimed. The claim made by the management in this regard, therefore is farce.

The management has also taken the plea that since the workman did not apply for the post, therefore, he could not be considered. Moreover, he was not from the OBC category and could not be considered. There is no merit in this submission of the management. Firstly it has been shown above that the post held by the workman was not meant for OBC category. Secondly, on the day of notification inviting applications, the workman was already working in the office which had issued the notice and the management had directed their Area Male Oversears to give wide publicity to the advertisement notice, to the public of the village and also collect the applications from the eligible candidates. There is no evidence to show that the Male Oversears asked the workman to make the application for the post. There is infact no evidence to show that the notice was made public, and that the workman had knowledge of it. Then how could he apply for that. Could it be taken that the workman did not like to apply for a regular appointment when he was already working on provisional basis. Had he known about the advertisement of the post, he would have definitely applied for it. There is, therefore no truth in the claim of the management that they had given wide publicity of the post and invited applications for appointment thereon. To my mind, this claim is after thought and has been made just to frustrate the claim of the workman.

Now if we look at the sponsorship, made by the management, it makes interesting reading. Vide their letter to the District Employment Officer, Muktsar, the Sub-Divisional Inspector of the management asked the Employment Officer to sponsor a panel of candidates for the post of EDR, who belong to village Burj Sidhwan. It was further desired to recommend 3 to 5 candidates along with data of their place of permanent residence educational qualification and full address. Interestingly, the management recommended, only the case of Shyam Lal S/o. Kishori Lal who was appointed by the management. How is it that the Employment Exchange did not give consideration to the request of the ending department and did not recommend the minimum number of the candidates asked from them. It leads only to one conclusion that the appointing authority had only one candidate in mind, that is Shyam Lal and they managed his sponsorship with that objective.

The management has also taken the support of the tabulated statement showing the candidate who had applied for the post of EDR and the one sponsored by the Employment Exchange. They have, however not placed on record their applications to support their claim. At the time of arguments, the counsel for the management stated that since the person appointed had highest percentage of marks in matriculation, therefore, he was appointed. But he has failed to show as to why no consideration was not given to the other qualifications of the candidate and in the case of the workman he had the experience of working for the management on the said post for a year. After examining the record, I am of the opinion that the management acted with one motive i.e. to recruit Shyam Lal on the post and ignored all other consideration.

The management has also taken the plea that since the workman had bound himself not to raise any objection, as and when higher postal authorities desired to take back the work from him, he has no face to challenge the action of the management. In my opinion this submission is without any merit. It is not the case where the higher postal authorities desired to take back the work from the workman. According to the management, it was a case of regular recruitment on the post on which the workman was working. The management has not shown as to why the case of workman was not considered for regular appointment on the post of EDR. It is a fact that the management did not consider the name of the workman, whose particulars were already with them and they were not to interview the candidates before making the appointment as per notification.

Now coming to the question whether the workman is entitled to protection of Sec. 25-F of the Act or not? The management through their witness D.S. Jammu has admitted that the workman had served the management for 240 days before the date of termination of his services. If it is so, as it is, then it was required of the management to have given notice to the workman before terminating his services or in the alternative should have given him one month's salary as notice pay. They should have also paid him the compensation at the rate of 15 days average pay for every completed year of continuous services. They should also have given him the reasons of his retrenchment and the notice of such retrenchment should have been given to the appropriate govt. In this case, the witness of the management admitted that no notice was given to the workman nor he was paid any retrenchment compensation. The management therefore, violated the provisions of the Act in disengaging the workman from services on 30th Sep., 99. The retrenchment of the workman, therefore, is declared bad in law and the workman is treated to be in service as if there was no order of his termination. He will also to be entitled to all the service benefits as allowed under rules, which he would have got but for his termination from his service. He will also be entitled to back wages. But considering the fact that he did not work for the management during this period and he must not have remained without work during the period from the date of his disengagement to this day and would have earned at least for living hand to mouth. Therefore, he will be entitled to 50% of the back wages. The management shall implement this award within 3 months from the date of its publication failing which the workman shall also to be entitled to interest on the amount due to him as back wages and other benefits, at the rate of 9% p.a. The reference is answered. Let a copy of this award be sent to the appropriate govt. for necessary action and file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3171.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 930/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-07-2006 को प्राप्त हुआ था।

[सं. एल-40012/111/2002-आई.आर. (डी.यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 930/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/111/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No. 930/2K5

Registered on 13-11-2002

Date of Decision 22-3-2006

Mander Singh *Versus* Telecom

APPEARANCE

For the Workman : Mr. N. K. Jeet
For the Management : Mr. G. C. Babbar,
Advocate

AWARD

1. The Government of India vide Notification No. L-40012/111/2002-IR (DU) dated 7-10-2002 referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Management of General Manager, Telecom, Ferozepur in terminating the services of Sh. Mander Singh S/o Jarnail Singh, workman w.e.f. 1-1-199 is just and legal? If not, to what relief the workman is entitled to and from which date?”

On the notice of tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services

was unjust and illegal. There is in fact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The Reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3172.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 932/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-07-2006 को प्राप्त हुआ था।

[सं. एल-40012/109/2002-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3172.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 932/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006

[No. L-40012/109/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II, CHANDIGARH**

PRESIDING OFFICER SHRI KULDIP SINGH

CASE No. I. D. No. 932/2K5

Registered on 13-11-2002

Date of Decision 22-3-2006

Rajinder Singh *Versus* Telecom

APPEARANCE

For the Workman : Mr. N. K. Jeet
For the Management : Mr. G. C. Babbar,
Advocate

AWARD

1. The Government of India vide Notification No. L-40012/109/2002-IR (DU) dated 07-10-2002 referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Management of General Manager, Telecom, Ferozepur in terminating the services of Sh. Rajinder Singh S/o Sh. Hari Ram; workman w.e.f. 30-4-2001 is just and legal? If not, to what relief the workman is entitled to and from which date?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is in fact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The Reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 908/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-07-2006 को प्राप्त हुआ था।

[सं. एल-40012/313/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 908/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the

employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006

[No. L-40012/313/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

CASE No. I. D. No. 908/2K5

Registered on 18-10-2005

Date of Decision 22-3-2006

Pargat Singh

Versus

Telecom

APPEARANCE

For the Workman : Mr. N. K. Jeet

For the Management : Mr. G. C. Babbar,
Advocate

AWARD

1. The Government of India vide Notification No. L-40012/313/2000-IR (DU) dated 28-09-2000 referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Management of General Manager, Telecom, Amritsar in terminating the services of Sh. Pargat Singh S/o Sh. Tarlochan Singh, is just and legal? If not, to what relief the workman is entitled to and from which date?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is in fact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The Reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में निम्नलिखित कार्यवाही के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 1005/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-07-2006 को प्राप्त हुआ था।

[सं. एल-40012/30/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1005/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/30/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II,
CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No. 1005/2005

Registered on 28-6-2005

Date of Decision : 11-4-2006

Miss Raj Rani Versus Telecom.

APPEARANCES :

For the Workman : Mr. N. K. Jeet

For the Management : Ms. Dipali Puri

AWARD

1. This is a reference from the Government of India, made vide Notification No. L-40012/30/2000-IR (DU) dated 30-05-2000. The appropriate Government has desired to know :

“Whether the action of the of General Manager, Telecom Hoshiarpur (Pb.) in ordering disengagement/termination of services of Miss Raj Rani a workman engaged through Contractor Sh. Ashok Kumar Sharma w.e.f. 1-3-99 is legal and

justified? If not, to what relief the workman is entitled and from which date?”

On the notice issued to the parties, they appeared. Mr. N. K. Jeet, Authorised representative appeared for the workman whereas Ms. Dipali Puri, Advocate appeared for the Management. The workman filed claim petition, to which the Management filed the reply. The workman filed her affidavit whereas the Management filed the affidavit of one Ashok Kumar, SDO, Hoshiarpur as their witness.

The record of the file shows that the workman stopped appearing in the case right from September 2004, after the case was transferred to this Court. Notices were issued to the workman, but she did not bother to come, whereas the Management appeared through their counsel. From the record it transpires that the workman lost the interest in the case and that is why she has not appeared all this period.

On record there is nothing to show that it was the Management which had ordered the termination of the services of the workman with effect from 1st of March, 1999. There is also nothing on record to show that the workman was engaged by the Management and it is the Management which had terminated her services. The documents placed on record including the affidavits of the parties, have not been proved in accordance with law, therefore, no reliance can be placed thereon. The pleadings of the parties have also not been certified by the workman and the representative of the Management. The reply of the Management shows that they have categorically denied the relationship of master and servant between the parties and it is their stand that the workman was engaged by a Contractor and the Management had nothing to do with his engagement; hence there was no question of terminating the services of the workman by the Management. Considering the facts and circumstances of the case, reference is answered in the terms that there is nothing on record to show that the workman was disengaged by the Management and the order passed by them was illegal and unjustified. In the absence of any evidence it cannot be said that the Management had in fact passed the order of terminating the services of the workman and the said order was illegal and unjustified. In my opinion the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of the award be sent to the appropriate Government for necessary action and the file be consigned after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर

संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 297/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/196/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 297/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006

[No. L-40012/196/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case I. D. No. 297/2005

Registered on 14-9-2005

Date of Decision : 12-4-2006

Tarsem Singh *Versus* Telecom.

APPEARANCES :

For the Workman : Mr. Om Prakash Singh

For the Management : Mr. G. C. Babbar,
Advocate

AWARD

The Government, of India *vide* their Notification No. L-40012/196/2000-IR (DU) dated 31-07-2000 referred the following matter for the adjudication of this Tribunal on 31st of July 2000.

“Whether the action of the Management of General Manager, Telecom Chandigarh in terminating the services of Sh. Tarsem Singh S/o Sh. Gian Singh, is just and legal? If not, to what relief the workman is entitled to and from which date?”

The notice of the reference was issued to the parties and the record of the file shows that the workman never appeared in person. The Management appeared through

counsel whereas one Om Parkash Singh appeared as a representative of the workman without any authority from the workman. After the case was transferred to this Tribunal, fresh notices were issued to the workman, but even notice under registered cover was received back unserved. The workman filed his claim on 15th of April, 2005, that too through his representative, Shri Om Parkash Singh, who as I have stated earlier had no authority to represent the workman in this case. From the conduct of the workman it is clear that he was not serious to prosecute his case. As on merit there is nothing on record to show that the services of the workman were terminated by the Management and if so that order was unjust and illegal. The reference made is therefore, answered in the terms that there is nothing on record to show that the order of termination was passed by the Management and the said order was unjust and illegal. As such the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 870/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/362/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 870/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom. and their workman, which was received by the Central Government on 17-7-2006

[No. L-40012/362/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case I. D. No. 870/2005

Registered on 29-11-2005

Date of Decision 22-3-2006

Bir Singh *Versus* Telecom**APPEARANCE:**

For the Workman : Mr. Sunil K. Bakshi

For the Management : Mr. G. C. Babbar,
Advocate**AWARD**

The Government, of India *vide* Notification No. L-40012/362/2000-IR (DU) dated 31-10-2000 referred the following matter for the adjudication of this Tribunal :

“Whether the action of the Management of Deptt. of Telecom in terminating the services of Sh. Bir Singh w.e.f. April, 99 is just and legal ? If not, to what relief the workman is entitled ?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back unclaimed. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is infact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Disputes Act. As such the workman is not entitled to any relief. The Reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3177.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में दूर संचार विभाग के प्रबंध-तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 910/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/319/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.910/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers

in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/319/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE:

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case I. D. No. 910/2K5

Registered on 18-10-2005

Date of Decision 22-3-2006

Hira Singh *Versus* Telecom.**APPEARANCE**

For the Workman : Mr. N. K. Jeet

For the Management : Mr. G. C. Babbar
Advocate**AWARD**

The Government, of India *vide* Notification No. L-40012/319/2000-IR (DU) dated 28-9-2000 referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Management of General Manager Telecom Amritsar terminating the services of Sh. Hira Singh S/o Sh. Jhaman Singh is just and legal ? If not, to what relief the workman is entitled and from which date ?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is infact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The Reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

Davinder Singh *Versus* **Telecom.**

APPEARANCES :

For the Workman : Mr. N. K. Jeet
 For the Management : Mr. G. C. Babbar,
 Advocate

AWARD

The Government of India *vide* Notification No. L-40012/322/2000-IR (DU) dated 28-9-2000 referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Management of General Manager, Telecom, Amritsar in terminating the services of Sh. Davinder Singh S/o Sh. Abhay Singh is just and legal ? If not, to what relief the workman is entitled and from which date ?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is in fact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The Reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 924/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/333/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 924/2005) of the Central Government Industrial Tribunal-

cum-Labour Court, No. II Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom. and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/333/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
 TRIBUNAL-CUM-LABOUR COURT-II,
 CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case-I.D. No. 924/2005

Registered on 18-10-2005

Date of Decision : 22-3-2006

Ravinder Kumar *Versus* Telecom.

APPEARANCES :

For the Workman : Mr. N. K. Jeet
 For the Management : Mr. G. C. Babbar,
 Advocate

AWARD

The Government of India *vide* Notification No. L-40012/333/2000-IR (DU) dated 28-9-2000 referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Management of General Manager, Telecom, Amritsar in terminating the services of Sh. Ravinder Kumar S/o Sh. Chuni Lal is just and legal ? If not, to what relief the workman is entitled and from which date ?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is in fact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The Reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3181.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 909/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/317/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 909/2005) of the Central Government Industrial Tribunal-cum-labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/317/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldeep Singh

Case No. I. D. No. 909/2005

Registered on 18-10-2005

Date of Decision : 22-3-2006

Nishan Singh *Versus* Telecom.

APPEARANCES :

For the Workman : Mr. N. K. Jeet

For the Management : Mr. G. C. Babbar,
Advocate

AWARD

The Government of India vide Notification No. L-40012/317/2000-IR (DU) dated 28-9-2000 referred the following matter for the adjudication of this Tribunal :

“Whether the action of the Management of General Manager, Telecom Amritsar in terminating the services of Sh. Nishan Singh S/o Sh. Joginder Singh is just and legal ? If not, to what relief the workman is entitled and from which date ?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is infact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3182.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 312/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/107/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 312/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/107/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II,
CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case I. D. No. 312/2005

Registered on 12-08-2005

Date of Decision : 02-05-2006

Sh. Dilbagh Singh S/o Sh. Sumitar Singh R/o Village
Baga, P.O.-Gardiwala, Tehsil Bhunga, Distt. Hoshiarpur,
C/o Mr. N. K. Jeet, Mohalla Hari Nagar, Lal Singh Basti
Road, Bhatinda.

—Petitioner

Versus

General Manager, Telecom, Hoshiarpur

—Respondent

APPEARANCES :

For the Workman : Mr. N. K. Jeet

For the Management : Ms. Deepali Puri,
Advocate

AWARD

The workman is not present. Management is also not present. On the last date of hearing the representative, who was appearing for the workman earlier, stated that the workman is not interested to prosecute his case. He also reported no instructions to appear. Upon this, it was directed that a notice under R/C be sent to the workman so that it could be verified whether the workman is interested to follow his case or the statement of the representative is correct. The notice to the workman was sent by a registered post under postal receipt No. 132 dated 06-03-2006, on the address available on the record. It is second of May today and neither the workman is present nor the registered cover carrying the notice has been received back. The statutory period is over to presume that the workman has received the notice but he has chosen not to appear in the case.

The Government of India asked this Tribunal to adjudicate upon the following matter :

“Whether the action of the Management of General Manager, Telecom, Hoshiarpur (Pb.) in ordering disengagement/termination of services of Sh. Dilbagh Singh workman engaged through contractor Sh. Ashok Kumar Sharma, w.e.f. 01-03-1999 is legal and justified? If not, to what relief the workman is entitled to and from which date?”

Upon notice to the parties they appeared through their representatives. The record of the file shows that the workman hardly appeared in person to prosecute the case. It was only Mr. N.K. Jeet, who appeared for him and filed the claim petition and other pleadings under his signature. Now the said representative has reported: no instructions. The management has filed reply to the claim statement of the workman and has also placed on record, Photo copies of the documents including the agreement. The management has also filed the affidavit of their witness whereas the workman, after filing the rejoinder, has practically withdrawn from the prosecution of the case.

The claim of the workman is that he had served, as workman in the office of SDOP, Dasuha from 1-7-1994 to 28-2-1999 on a permanent Job on the salary was drawing Rs. 2138 per month; that the management terminated the services of the workman on 28-2-1999 without following the due procedure under the Industrial Disputes Act. They retained the junior of the workman and also recruited fresh hands, but the workman was not given chance whereas he had a preferential right of recruitment. The management has denied the claim of the workman. They have submitted that the management is not an industry, therefore, they are not governed by Industrial Dispute Act, for short “ACT”. It is further claimed that the workman was never recruited by the management as is claimed rather the management had entered into contract with one Sh. Ram Krishan, for providing labour to the management and the workman having not impleaded said contractor as a party, therefore, the petition is not maintainable.

On merit the management had denied the claim of the workman that he was appointed in July, 1994; and that he was paid wages at the rate of Rs. 2138 per month. According to them the workman was neither recruited by the management nor his services were terminated by them. They have asked the workman to prove his case with substantial evidence. In support of their claim, they have placed on record, the photo copy of the agreement and other documents besides the affidavit of their witness SDO(P) Hoshiarpur. After going through the file I find that the parties have not proved their pleadings, as none of the witnesses of the parties has come into witness box to stand to the cross-examination of the opposite side. The claim made by the parties have remained only the claim on paper and not supported by any evidence. In a proceeding like this it was the duty of the workman to have proved that he had been engaged by the management; and that the management had terminated his services on 28-02-1999, which action of the management was illegal and unjustified. The workman, as stated above has withdrawn from the proceedings and has not come even after a notice to him under R/C. There is otherwise also no evidence on record to show

that the workman was engaged by the management through a Contractor and they had terminated his services illegally and without any justification. In the circumstances the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to the appropriate Government for necessary action under Rules and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer.

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3183.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 11, चंडीगढ़ के पंचाट (संदर्भ संख्या 538/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/198/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 538/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 11, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/198/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case I. D. No. 538/2005

Registered on 22-8-2005

Date of Decision : 5-6-2006.

Rajvinder Singh S/o.

Sh. Swarn Singh

.....Petitioner

Versus

Principal General Manager,

Telecom, Sector-18,
Chandigarh

.....Respondent

APPEARANCES :

For the Workman : Nemo

For the Management : Mr. G.C. Babbar,
Advocate

AWARD

The workman continues to be absent. Management appears through counsel.

After being satisfied that the workman is not appearing in the case even after repeated notices, it was directed that the notice to the workman be sent under registered cover. Therefore, a notice under registered cover was sent to the workman under postal receipt No. 47. The notice has not been received back even after the expiry of 30 days. Thus the registered cover has not been received back unserved even after the expiry of statutory period. It gives reasons to presume that the notice has been served upon the workman, but he has chosen not to appear. This further makes the court to believe that the workman is not interested to follow his case. Even earlier, the workman never appeared in person and was represented by one Om Parkash Singh, who is stated to be dead. It is in these circumstances the reference is being answered in the absence of the workman.

The Government of India vide their notification No. L-40012/198/2000/IR(U) dated 31st July, 2000 referred the following matter for the adjudication of this Tribunal :—

“Whether the action of the Management of General Manager, Telecom Chandigarh in terminating the services of Sh. Rajvinder Singh S/o Sh. Swarn Singh is just and legal? If not, to what relief the workman is entitled and from which date?”

The notice of the reference was given to the parties. Only the workman appeared on 1st January, 2001 and filed the C/P after a long time on 21st March, 2005. The file was in the process for the W/S of the management when the case was transferred to this Tribunal from CGIT-cum-Labour Court-I, Chandigarh. In this court neither the workman appeared in person nor through representative or the counsel and it was in the circumstances that the notice under registered cover was issued to the workman, is noted above.

The workman in his C/P has claimed that he was appointed as Cable Jointer Assistant on 7th August, 1996 and he served the management up to 27th February, 1999, when his services were terminated by the management without paying him compensation and in

violation of provision of Section 25F of the Industrial Dispute Act. He has further claimed that he had joined the services with the management directly and worked under their supervision and control, therefore, he was all along in the employment of the management. Taking the support of the decided cases reported as Air India Statutory Corporation Ltd. V/s. United Labour Union and others reported as JT 96 (9 SC Page 109) and Secretary HSEB V/s. Suresh Kumar reported as JT-99 (1 SC Page-435) he has submitted that since he had served the management for a period of 240 days, therefore, he was entitled to the payment of compensation, that the management sanctioned posts of regular Mazdoors, after the termination of services to the workman, and appointed persons thereon, whereas the workman was not considered and even no notice was given to him, before terminating his services.

The management has not filed the reply to the C/P. However, since the workman has chosen not to appear in the case, therefore, he has not provided opportunity to the management to test his claim on the touch stone of the cross-examination. The claim made by him has remained as a claim on plain paper, un-supported by any evidence. Therefore, no weight can be attached to the claim of workman. For the purposes of answering the reference, I do not find any evidence on record to show that the management had recruited the workman and it is they who had terminated his services without following the provisions of the Act. The workman, therefore, is not entitled to any relief. His claim is rejected. The reference is answered in these terms. Let a copy of this award be sent to the appropriate for necessary action and file be consigned to records.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 914/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-07-2006 को प्राप्त हुआ था।

[सं. एल-40012/15/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 914/2005) of the Central Government Industrial Tribunal-

cum-Labour Court, No. II Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/15/2000-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No. 914/2K5

Registered on 30-06-2005

Date of Decision 22-03-2006

Karam Singh

Versus

Telecom

APPEARANCES:

For the Workman : Mr. N. K. Jeet.

For the Management : Mr. G.C. Babbar,
Advocate.

AWARD

The Government of India vide notification No. L-40012/15/2000-IR(DU) dated 29-5-2000 referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Management of General Manager, Telecom Bhatinda in terminating the services of Sh. Karam Singh C/o Sh. Jawala Singh is legal and justified? If not, to what relief the workman is entitled to and from which date?”

On the notice of tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is in fact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Disputes Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय त्त. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 740/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-07-2006 को प्राप्त हुआ था।

[सं. एल-40012/379/1999-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 740/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/379/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No. 740/2K5

Registered on 2-9-2005

Date of Decision 16-5-2006

Bhagwan Singh

S/o. Sh. Harmail Singh

C/o Sh. N.K. Jeet,

Mohalla Hari Nagar,

Lal Singh Basti Road,

Bathinda

...Petitioner

Versus

General Manager,
Telecom, Bathinda.

...Respondent

APPEARANCES

For the Workman

Nemo

For the Management

Mr. G. C. Babbar,
Advocate.

AWARD

The workman continues to be absent Mr. R.P. Singh, who has been appearing in the case for the workman and who had sought time to file letter of authority as well as affidavit of workmen is present. He states that he has no

instructions to appear in this case. The record of the file shows that the workman has not appeared in person on any date and only his representative Mr. N.K. Jeet appeared on his behalf. In the reference also the workman was shown as "Care of Sh. N.K. Jeet". The pleadings of the workman have also been signed by Sh. N.K. Jeet, but on the record I have not found the authority letter by which the workman had ever authorized Sh. N.K. Jeet or anybody else to represent him. When the workman did not appear in the case, the notice to him was issued on the address available on record, that is, care of Sh. N.K. Jeet. But neither he filed his authority letter authorizing representative to appear on his behalf now he appeared in person. Sh. N.K. Jeet did not respond to the notice issued to him under this office letter No. 1962 dated 26.12.2005. The Court has no other address of which the workman could be served. Thus the Court is satisfied that the workman is not interested in prosecuting his claim made through the reference under consideration. The Court is further satisfied that the claim petition filed by Sh. N.K. Jeet was without authority and, therefore, needs no consideration.

The Government of India has desired to know "whether the action of the Management of General Manager, Telecom, Bathinda in terminating the services of Bhagwan Singh son of Harmail Singh is legal and justified, if not, to what relief the workman is entitled and from what date." As stated earlier the workman has not come forward to detail his claim. In the statement of claim which was filed by Sh. N.K. Jeet he claimed that he had served the management of SDO Phones Bathinda from 6th Feb., 1994 till 31st Dec. 1997 on the monthly salary of Rs. 1,780/-; that the management did not follow the provisions of Industrial Disputes Act, 1947, to be referred to in short "ACT" and principles of natural justice. They retained the juniors of the workman and also recruited fresh hands without providing chance to the workman. He has prayed for his reinstatement with continuity in service, with full back wages along with interest thereon and costs. By his rejoinder he has contested the case of the management made out by them in their written statement. He denied that he was ever engaged by a contractor. He claimed that he was provided work by the management and it is they who supervised his working. He served the management for 240 days and thus he was entitled to protection under the ACT. He has further alleged that neither the management was validly registered nor the contractor had the licence to engage labour under the Contract Labour (R&A) Act, 1970. He also denied that the management could not engage the labour directly in view of the ban imposed and stated that management had recruited employees directly.

The management in reply to the claim of the workman submitted that the claim is not maintainable since he was not engaged by the management as workman directly and he has not impleaded the concerned contractor as necessary party, therefore, his claim is not maintainable. On merit it is

their case that the management had never engaged a peon or labourer prior to 1st August, 1994 directly or through a contractor. They obtained registration certificate under the Contract Labour (R & A) Act, 1997 and thereafter entered into agreement on 1st August, 1994 with M/s. J.S Chaudhary, Govt. and other contractors like Sohan Lal, Ashok Kumar, Amarjeet Singh, M/s. Deepak Kumar and thus contractors had valid licenses issued by Assistant Labour Commissioner, Chandigarh. It was the contractor who provided casual labourers to the management therefore, it was contractors who were required to follow the provision of Section 25 F of the Act. According to them a daily wage employee cannot acquire the right to hold a civil post as is held by the High Court of Himachal Pradesh and Apex Court of the country. It is their case that the recruitment on a civil post is done under the service rules framed under article 309 of the Indian Constitution. Giving the history of recruitment in the departments of Govt. of India it is claimed by the management that in the department of Telecom it was directed that no recruitment from the open market be done till the existing employees in the basic feeder cadre are screened and eligible employees accommodated in the restructured cadre like Senior Telecom Operating Assistant. The ban on engaging labourers is continuing since 1st April, 1985 besides there is also partial ban for engagement of casual labourers except for co-axial cable work in the project organization and in line dismantling/construction work in electrification project circles. But those labourers should also be engaged for specific jobs and retrenched as soon as the work is over. In view of the ban imposed the engagement of workman could not be considered. Thus, his claim is not maintainable as he was neither appointed by the management nor recruited directly. The question of terminating his service therefore does not arise. The management has categorically denied the claim of the workman.

On record there are only pleadings of the parties and no proof. The management has produced photocopies of some documents but the same have not been proved in accordance with law. On the other hand, the workman has failed to lead any evidence in support of his claim. As stated earlier he never appeared in the case and the person who claimed himself to be authorized by him was never authorized by the workman. The workman has not come in the witness box nor has filed his affidavit in support of the pleadings. The whereabouts of the workman are not available. The only address available with the Tribunal was through Shri N.K. Jeet and on a notice to him on that address Sh. N.K. Jeet stated that he has no instructions to appear. He also could not produce any authority letter in support of his claim to represent the workman.

As regards, the merit of the case I do not find any evidence to support the claims of the workman which has been categorically denied by the management. There is therefore, no evidence to hold that workman was engaged

by the management and that his services were terminated in violation of provisions of the Act. For this reason the workman is entitled to no relief. The reference is answered in these terms. Let a copy of the award be sent to the appropriate Govt. for necessary action and the file be consigned to records after through completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3186.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 900/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/16/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3186.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 900/2005) of the Central Government Industrial Tribunal-cum-labour Court No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006

[No. L-40012/16/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No. 900/2005

Registered on 28-6-2005

Date of Decision : 22-3-2006

Prem Singh Versus Telecom.

APPEARANCES:

For the Workman : Mr. N.K. Jeet

For the Management : Mr. G. C. Babbar, Advocate

AWARD

The Government of India vide Notification No. L-40012/16/2000-IR (DU) dated 30-5-2000 referred the following matter for the adjudication of this Tribunal :

“Whether the action of the Management of General Manager, Telecom, Bhatinda in terminating the services of Sh. Prem Singh S/o Shri Gurdial Singh, is legal and justified? If not, to what relief the workman is entitled to and from which date?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is in fact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Disputes Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3187.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या II, चंडीगढ़ के पंचाट (संदर्भ संख्या 262/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/399/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006.

S.O. 3187.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 262/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Department of Telecom. and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/399/2000-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case I. D. No. 262/2005

Registered on 11-4-2001/11-8-2005

Date of Decision : 7-6-2006

Pyara Singh,
S/o. Sh. Karam Singh,
C/o Sh. N.K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Punjab)-151001

.....Petitioner

Versus

Ministry of Communication,
D/o Telecom., Sanchar Bhawan,
New Delhi

.....Respondent

APPEARANCES:

For the Workman : N.K. Jeet

For the Management : Mr. G. C. Babbar, Advocate

AWARD

The workman is not present. On the last date of hearing Mr. R.P. Rana who represented the workman in the case all along, submitted that the workman shall be informed about the date fixed in the case; and that he has no instructions to appear on behalf of the workman. Today neither the workman is present nor there is any request on his behalf for adjournment. The perusal of the file shows that the workman was summoned by the Court on the address given in the reference i.e. C/o Sh. N.K. Jeet. Mr. Jeet was given notice and through him to the workman to appear in the case. On 16th March, 2006 Mr. Jeet stated that he has no instructions to appear in the case nor he has the address of the workman on which he can be served. In the circumstances the Court is at loss to serve the workman and know his case. The workman himself has not bothered to find out the progress in his case and that speaks of his interest in following his claim.

The appropriate Govt. vide their order No. L-40012/399/2000/IR (DU) dated 1st February, 2000 desired to know whether the action of the Management of General Manager Telecom, Jalandhar in terminating the services of Shri Pyara Singh S/o Karam Singh is legal and justified? If not, to what relief the workman is entitled to and from which date.

The workman in his statement of Claim submitted that he had served the Management from 15th January, 1998 to

15th January, 1998 16th March, 1999 under SDOT Nawanshahar on a monthly salary of Rs. 2138 and the Management terminated his services without following the provisions of Industrial Disputes Act, 1947, hereinafter to be referred as "Act". The Management by a Written Statement denied the claim of the workman and supported the same with the affidavit of Shri V.K. Pabby, S.D.E (General) and stated that the workman was neither engaged by them nor his services were terminated by the Management.

As stated earlier, the workman has not appeared in the case on any day nor filed his affidavit to counter the claim of the Management, made by them through their witness Shri V.K. Pabby. The workman has also not come in the witness box and, therefore, the Claim made by the parties has remained unsubstantiated. In this, the loser is the workman as it is he who has come to the Court for a relief. I do not find any evidence to hold that the workman was in fact engaged by the Management and it was they who terminated the services of the workman and the termination was not justified and legal. In the circumstances the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to the appropriate Govt. for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

क्र.आ. 3188.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 913/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-07-2006 को प्राप्त हुआ था।

[सं. एल-40012/7/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 913/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. H, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom. and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/7/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case I. D. No. 913/2005

Registered on 30-6-2005

Date of Decision : 22-3-2006

Parvinder Singh *Versus* Telecom.

APPEARANCES:

For the Workman : N.K. Jeet

For the Management : Mr. G. C. Babbar,
Advocate

AWARD

The Government of India vide Notification No. L-40012/7/2000-IR (DU) dated 30-5-2000 referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Management of General Manager, Telecom, Bhatinda in terminating the services of Sh. Parvinder Singh S/o Sh. Kartar Singh Sandhu is legal and justified? If not, to what relief the workman is entitled and from which date?"

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is in fact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Disputes Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

क्र.आ. 3189.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 899/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/8/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3189.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 899/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/8/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case I. D. No. 899/2005

Registered on 28-6-2005

Date of Decision : 22-3-2006

Jasvir Singh *Versus* Telecom.

APPEARANCES :

For the Workman Mr. N.K. Jeet

For the Management Mr. G. C. Babbar,
Advocate

AWARD

The Government of India vide Notification No. L-40012/8/2000-IR (DU) dated 30-5-2000 referred the following matter for the adjudication of this Tribunal :

“Whether the action of the Management of General Manager, Telecom, Bhatinda in terminating the services of Shri Jasvir Singh is legal and justified? If not, to what relief the workman is entitled and from which date?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is infact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Disputes Act. As such the workman is not entitled to any relief. The reference is answered in these

terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3190.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोज्जकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 309/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/105/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3190.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 309/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006

[No. L-40012/105/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case I. D. No. 309/2005

Registered on 29-6-2000

Date of Decision : 2-5-2006

Sh. Gurmail Singh,
S/o. Sh. Durga Dass,
R/o Village Makeem Pur,
New Abadi, P.O. Haryana,
Distt. Hoshiarpur,
C/o Mr. N.K. Jeet,
Mohalla Hari Nagar,
Lal Singh Basti Road, Bhatinda. Petitioner

Versus

General Manager,
Telecom, Hoshiarpur. Respondent

APPEARANCES :

For the Workman : Mr. N. K. Jeet

For the Management : Ms. Deepali Puri,
Advocate

AWARD

The workman is not present. Management is also not present. On the last date of hearing the representative, who was appearing for the workman earlier, stated that the workman is not interested to prosecute his case. He also reported no instructions to appear. Upon this, it was directed that a notice under R/C be sent to the workman so that it could be verified whether the workman is interested to follow his case or the statement of the representative is correct. The notice to the workman was sent by a registered post under postal receipt No. 132 dated 6.3.2006, on the address available on the record. It is second of May today and neither the workman is present nor the registered cover carrying the notice has been received back. The statutory period is over to presume that the workman has received the notice but he has chosen not to appear in the case.

The Government of India asked this Tribunal to adjudicate upon the following matter.

"Whether the action of management of General Manager, Telecom, Hoshiarpur (Pb) in ordering disengagement/termination of services of Sh. Gurmail Singh a workman engaged through contractor Sh. Ashok Kumar Sharma, w.e.f. 16.9.1998 is legal and justified? If not, to what relief the workman is entitled and from which date?"

Upon notice to the parties they appeared through their representatives. The record of the file shows that the workman hardly appeared in person to prosecute the case. It was only Mr. N.K. Jeet, who appeared for him and filed the claim petition and other pleadings under his signature. Now the said representative has reported no instructions. The management has filed reply to the claim statement of the workman and has also placed on record, Photo copies of the documents including the agreement. The management has also filed the affidavit of their witness whereas the workman, after filing the rejoinder, has practically withdrawn from the prosecution of the case.

The claim of the workman is that he had served, the management as a skilled worker in Hoshiarpur S.S.A. on a permanent job since 15th of October, 1997 and was drawing Rs. 2138 per month; that the management terminated the services of the workman on 28-02-1999 without following the due procedure under the Industrial Disputes Act. They retained the junior of the workman and also recruited fresh hands, but the workman was not given chance whereas he had a preferential right of recruitment. The management has denied the claim of the workman. They have submitted that the management is not an industry, therefore, they are not governed by Industrial Disputes Act, for short "ACT". It is further claimed that the workman was never recruited by the management as is claimed rather the management had entered into contract with one Ashok Kumar Sharma, for providing labour to the management and the workman having not impleaded said contractor as a party, therefore, the petition is not maintainable.

On merit the management has denied the claim of the workman that he was appointed on 15.10.1997; and that he was paid wages at the rate of Rs. 2138 per month. According to them the workman was neither recruited by the management nor his services were terminated by them. They have asked the workman to prove her case with substantial evidence. In support of their claim, they have placed on record, the photo copy of the agreement and other documents besides the affidavit of their witness SDO(P) Hoshiarpur. After going through the file I find that the parties have not proved their pleadings, as none of the witnesses of the parties has come into witness box to stand to the cross-examination of the opposite side. The claim made by the parties had remained only the claim on paper and not supported by any evidence. In a proceeding like this it was the duty of the workman to have proved that he had been engaged by the management; and that the management had terminated his services on 28.02.1999, which action of the management was illegal and unjustified. The workman, as stated above has withdrawn from the proceedings and has not come even after a notice to her under R/C.

There is otherwise also no evidence on record to show that the workman was engaged by the management through a Contractor and they had terminated his services illegally and without any justification. In the circumstances the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to the appropriate Government for necessary action under Rules and file be consigned to records after due completion.

KULDIPSINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3191.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 319/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[स. एल-40012/20/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 319/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/20/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No. 319/2005

Registered on 30-6-2000

Date of Decision 2-5-2006

Miss Anju Bala
D/o Sh. Kashiniri Lal,
R/o House No. 1011,
Mohalla Premgarh,
Hoshiarpur
C/o Mr. N. K. Jeet,
Mohalla Hari Nagar,
Lal Singh Basti Road,
Bathinda

...Petitioner

Versus

General Manager,
Telecom, Hoshiarpur.

...Respondent

APPEARANCES:

For the Workman : Mr. N. K. Jeet

For the Management : Ms. Deepali Puri, Advocate

AWARD

The workman is not present. Management is also not present. On the last date of hearing the representative, who was appearing for the workman earlier, stated that the workman is not interested to prosecute his case. He also reported no instructions to appear. Upon this, it was directed that a notice under R/C be sent to the workman so that it could be verified whether the workman is interested to follow his case or the statement of the representative is correct. The notice to the workman was sent by a registered post under postal receipt No. 132 dated 6-3-2006, on the address available on the record. It is second of May today and neither the workman is present nor the registered cover carrying the notice has been received back. The statutory period is over to presume that the workman has received the notice but he has chosen not to appear in the case.

The Government of India asked this Tribunal to adjudicate upon the following matter:

"Whether the action of General Manager, Telecom, Hoshiarpur (Pb) in ordering disengagement/termination of services of Miss Anju Bala a workman engaged through contractor Sh. Ashok Kumar Sharma, w.e.f. 1-4-1999 is legal and justified? If not, to what relief the workman is entitled and from which date?"

Upon notice to the parties they appeared through their representatives. The record of the file shows that the workman hardly appeared in person to prosecute the case. It was only Mr. N.K. Jeet, who appeared for him and filed the claim petition and other pleadings under his signature. Now the said representative has reported no instructions. The management has filed reply to the claim statement of the workman and has also placed on record, Photo copies of the documents including the agreement. The management has also filed the affidavit of their witness whereas the workman, after filing the rejoinder, has practically withdrawn from the prosecution of the case.

The claim of the workman is that she had served, as clerk to the management, in the office of GMT Hoshiarpur, from 1st of March, 1998 to 31st of March, 1999; that the management terminated the services of the workman without following the due procedure under the Industrial Dispute Act. They retained the junior of the workman and also recruited fresh hands, but the workman was not given chance whereas she had a preferential right of recruitment. The management has denied the claim of the workman. They have submitted that the management is not an industry, therefore, they are not governed by Industrial Dispute Act, for short "ACT". It is further claimed that the workman was never recruited by the management as is claimed rather the management had entered into contract with one Ashok Kumar Sharma, for providing labour to the management and the workman having not impleaded said contractor as a party, therefore, the petition is not maintainable.

On merit the management has denied the claim of the workman that she was appointed on 1st March 1998; and that she was paid wages at the rate of Rs. 2138 per month. According to them the workman was neither recruited by the management nor her services were terminated by them. They have asked the workman to prove her case with substantial evidence. In support of their claim, they have placed on record, the photo copy of the agreement and other documents besides the affidavit of their witness SDO(P) Hoshiarpur. After going through the file I find that the parties have not proved their pleadings, as none of the witnesses of the parties has come into witness box to stand to the cross-examination of the opposite side. The claim made by the parties have remained only the claim on paper and not supported by any evidence. In a proceeding like this it was the duty of the workman to have proved that she had been engaged by the management; and that the management had terminated her services on 1st of April 1999, which action of the management was illegal and unjustified. The workman, as stated above has withdrawn from the proceedings and has not come even after a notice to her under R/C. There is otherwise also no evidence on record to show that the workman was engaged by the management through a Contractor and they had terminated her services illegally and without any justification. In the circumstances the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of this

award be sent to the appropriate Government for necessary action under Rules and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3192.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 529/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/371/2000-आईआर (डीयू)]

सुरेंद्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3192.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 529/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006

[No. L-40012/371/2000-IR (DU)]

SURENDER SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer: SHRI KULDIP SINGH

Case No. I, D. No. 529/2K5

Registered on 22-8-2005

Date of Decision 8-6-2006

Mazer Singh

S/o Sh. Gurmail Singh,

R/o Village Bhorongian,

P.O. Mullanpur,

Tehsil Kharar, Distt. Ropar

..... Petitioner

Versus

The Chief General Manager,

Telecom, Punjab Circle,

Chandigarh and another

..... Respondent

APPEARANCE:

For the Workman : Mr. Tanved Ali Khan

For the Management : Mr. G.C. Babbar, Advocate

AWARD

The workman is not present. He has not appeared in this court on any date fixed for hearing for the case. Earlier he appeared through his representative, Mr. Tanved Ali Khan and later on other representative, Om Parkash Singh appeared for him. However the record of the file shows

that none of the representatives were authorized by the workman to prosecute his case. When this fact was noticed, fresh summons were issued to the workman including under R/C on the two addresses available on the file. He could not be served both on Chandigarh and Ropar addresses. One of the person who appeared as representative of the workman: Sh. Om Parkash Singh is stated to be dead. The court has no other address on which notice can be issued to the workman, who himself has not bothered to monitor the progress of his case. This shows that the workman has no interest in the case.

The Govt. of India asked this Tribunal to find out "Whether the action of Chief General Manager, Telecom, Punjab Circle, Chandigarh and the Principal General Manager, Telecom, Chandigarh District in ordering disengagement/termination of services of Sh. Mazer Singh, a workman engaged through contractor Sh. R. K. Mittal w.e.f. 27-2-99, is just and legal? If not, to what relief the workman is entitled and from which date?" The workman by his claim petition submitted that he was appointed as Electric Helper on 11-12-1997 and served the management to the entire satisfactions of his superiors till 27-2-1999 when his services were terminated without notice and payment of compensation, in violation of Section 25(f) of the Industrial Dispute Act. The workman further states that his engagement was wrongly shown through a Contractor whereas he had directly served under the management. It is also his claim that after the termination of his services, 500 posts of regular mazdoor were created by the management in Punjab Circle and many of the workers were regularized. However, his services were terminated even when there was need of the workman. Moreover, he was also entitled for consideration having served the management earlier in terms of Section 25 (H and T) of the Industrial Dispute Act.

The management has opposed the claim of the workman and stated that the petition is not maintainable as the management is not an industry. Also because the workman was neither engaged by the management nor he was ever paid the wages therefore, there never existed the relationship of employee and employer between them. On merits they have alleged that the workman was not appointed on 11-12-97. According to them the management had engaged a contractor who supplied the labour for the performance of emergency duties and the payments were made to the contractor directly. Relying upon the judgements of Supreme Court and different High Courts of the Country it is submitted by the management that even otherwise the daily wager cannot claim the right to hold a civil post. Since there was ban in the Telecom Deptt., to recruit the Group D staff therefor also the workman could not be engaged and nor he was ever engaged by the management. Admitting that on a prayer of workman and similarly placed persons, the Central Administrative Tribunal, Chandigarh had directed the management to consider the workman and others for appointment as regular mazdoor and in view of that the workman should have applied for the post of regular mazdoor which was notified

in the Daily Tribune on 26-8-2001. Again denied that the workman was ever engaged by them or his services were terminated. It is further submitted by them that the claim of the workman is a pure concoction and therefore it should be dismissed.

The workman filed the rejoinder and his affidavit. The management also filed the affidavit of their witness. Thereafter the workman stopped coming to the court and the proceedings could not go further. The pleadings of the parties are not substantiated by any evidence. Neither the workman nor the witness of the management appeared to stand the cross examination of the other side. The claim of the workman has been denied by the management fully. In the circumstances there is nothing on record to show that the workman was engaged by the management on 11-12-97 and his services were terminated by them on 27-2-99 in violation of provisions of Industrial Dispute Act. For want of evidence it is held that the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3193.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में निर्यातकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-11, चंडीगढ़ के पंचाट (संदर्भ संख्या 1007/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-07-2006 को प्राप्त हुआ था।

[सं. एल-40012/65/2000-आई आर (डी यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3193.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1007/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/65/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : SHRI KULDIP SINGH

Case No. I. D. No. 1007/2K5

Registered on 29-6-2005

Date of Decision 11-4-2006

Vijay Kumar

versus

Telecom

APPEARANCE :

For the Workman : N. K. Jeet

For the Management : Ms. Dipali Puri

AWARD

This is a reference from the Government of India, made vide notification No. L-40012/65/2000-IR (DU) dated 31-5-2000. The appropriate Government has desired to know :

“Whether the action of General Manager, Telecom, Hoshiarpur (Pb.) in ordering disengagement/termination of services of Sh. Vijay Kumar, a workman engaged through contractor Sh. Ashok Kumar Sharma, w.e.f. 1-3-99 is legal and justified? If not, to what relief the workman is entitled and from which date?”

On the notice issued to the parties, they appeared Mr. N.K. Jeet, Authorised representative appeared for the workman whereas Miss Dipali Puri, Advocate appeared for the Management. The workman filed claim petition, to which the Management filed the reply. The workman filed her affidavit whereas the Management filed the affidavit of one Ashok Kumar, SDO, Hoshiarpur as of their witness.

The record of the file shows that the workman stopped appearing in the case right from September 2004, after the case was transferred to this Court. Notices were issued to the workman, but he did not bother to come, whereas the Management appeared through their counsel. From the record it transpires that the workman lost the interest in the case and that is why he has not appeared all this period.

On record there is nothing to show that it was the Management which had ordered the termination of the services of the workman with effect from 1st of March 1999. There is also nothing on record to show that the workman was engaged by the Management and it is the Management which had terminated his services. The documents placed on record including the affidavits of the parties, have not been proved in accordance with law, therefore, no reliance can be placed thereon. The pleadings of the parties have also not been certified by the workman and the representative of the Management. The reply of the Management shows that they have categorically denied the relationship of master and servant between the parties

and it is their stand that the workman was engaged by a Contractor and the Management had nothing to do with his engagement; hence there was no question of terminating the services of the workman by the Management. Considering the facts and circumstances of the case, reference is answered in the terms that there is nothing on record to show that the workman was disengaged by the Management and the order passed by them was illegal and unjustified. In the absence of any evidence it cannot be said that the Management had in fact passed the order of terminating the services of the workman and the said order was illegal and unjustified. In my opinion the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of award be sent to the appropriate Government for necessary action and the file be consigned after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3194.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 261/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/402/2000-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3194.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 261/2005) of the Central Government Industrial Tribunal-cum-labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/402/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

Case No. I. D. No. 261/2K5

Registered on 11-4-2001/11-8-2005

Date of Decision 7-6-2006

Sh. Kulwant Singh,
S/o Sh. Roshan Singh
C/o Sh. N.K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Punjab)-151001

...Petitioner

Versus

Ministry of Communication,
D/o Telecom,
Sanchar Bhawan,
New Delhi

Respondent

APPEARANCE:

For the Workman : N. K. Jeet

For the Management : Mr. G.C. Babbar, Advocate

AWARD

The workman is not present. On the last date of hearing Mr. R.P. Raña who represented the workman in the case all along submitted that the workman shall be informed about the date fixed in the case; and that he has no instructions to appear on behalf of the workman. Today neither the workman is present nor there is any request on his behalf for adjournment. The perusal of the file shows that the workman was summoned by the Court on the address given in the reference i.e. C/o Sh. N.K. Jeet. Mr. Jeet was given notice and through him to the workman to appear in the case. On 16th March 2006 Mr. Jeet stated that he has no instructions to appear in the case nor he has the address of the workman on which he can be served. In the circumstances the Court is at loss to serve the workman and know his case. The workman himself has not bothered to find out the progress in his case and that speaks of his interest in following his claim.

The appropriate Government vide their order No.L-40012/402/2000/IR(DU) dated 9th Feb. 2001 desired to know whether the action of the Management of General Manager Telecom, Jalandhar in terminating the services of Shri Kulwant Singh S/o Roshan Singh is legal and justified? If not, to what relief the workman is entitled and from which date.

The workman in his statement of Claim submitted that he had served the Management from 22nd Feb., 1993 to 16th March, 1999 under SDOT Nawanshahar on a monthly salary of 2138 and the Management terminated his services without following the provisions of Industrial Dispute Act, 1947, hereinafter to be referred as "Act". The Management by a Written Statement denied the claim of the workman and supported the same with the affidavit of Shri V. K. Pabby S.D.E (General) and stated that the workman was neither engaged by them nor his services were terminated by the Management.

As stated earlier, the workman has not appeared in the case on any day nor filed his affidavit to counter the claim of the Management made by them through their witness Shri V.K. Pabby. The workman has also not come in the witness box and, therefore, the Claim made by the parties has remained un-substantiated. In this, the loser is the workman as it is he who has come to the Court for a relief. I do not find any evidence to hold that the workman was in fact engaged by the Management and it was they who terminated the services of the workman and the termination was not justified and legal. In the circumstances the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to the appropriate Government for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3195.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 912/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/321/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3195.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 912/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/321/2000-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I.D. No. 912/2K5

Registered on 18.10.2005

Date of Decision 22.3.2006

Sarabjit Singh Versus Telecom.

APPEARANCE :

For the Workman : Mr. N.K. Jeet

For the Management : Mr. G.C. Babbar,
Advocate

AWARD

The Government of India vide notification No. L-40012/321/2000 IR(DU) dated 28.9.2000 referred the following matter for the adjudication of this Tribunal:

"Whether the action of the Management of General Manager, Telecom Chandigarh in terminating the services of Sh Sarabjit Singh S/o Sh. Ajaib Singh is just and legal? If not, to what relief the workman is entitled and from which date?"

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to Presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is infact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3196.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 898/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/11/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3196.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 898/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/11/2000-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I.D. No. 898/2K5

Registered on 28.6.2005

Date of Decision 22.3.2006

Barbans Singh Versus Telecom

APPEARANCES:

For the Workman : Mr. N.K. Jeet
 For the Management : Mr. G.C. Babbar,
 Advocate

AWARD

The Government of India vide notification No. L-40012/11/2000-IR(DU) dated 29-5-2000 referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Management of General Manager, Telecom Bhatinda in terminating the services of Sh. Barbans Singh S/o. Sh. Rekha Singh is legal and justified? If not, to what relief the workman is entitled and from which date?"

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the Case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is in fact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

क्रा.आ. 3197.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 734/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/414/1999-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3197.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 734/2005) of the Central Government Industrial Tribunal cum Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/414/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I.D. No. 734/2005.

Registered on 01.09.2005.

Date of Decision 16.05.2006

Sh. Gurdip Singh S/o Sh. Jagir Singh, C/o Sh. N.K. Jeet,
 Mohalla Hari Nagar, Lal Singh Basti Road, Bathinda.

—Petitioner

Versus

General Manager, Telecom, Bathinda.

— Respondent

APPEARANCES:

For the Workman: Nemo
 For the Management: Mr. G.C. Babbar,
 Advocate

AWARD

The Workman continues to be absent Mr. R.P Singh, who has been appearing in the case for the workman and who had sought time to file letter of authority as well as affidavit of workman is present. He states that he has no instructions to appear in this case. The record of the file shows that the workman has not appeared in person on any date and only his representative Mr. N.K Jeet appeared on his behalf in the reference also the workman was shown as "Care of Sh. N.K Jeet". The pleadings of the workman have also been signed by Sh. N.K Jeet, but on the record I have not found the authority letter by which the workman had ever authorized Sh. N.K Jeet or anybody else to represent him. When the workman did not appear in the case, the notice to him was issued on the address available on record, that is, care of Sh. N.K Jeet. But neither he filed his authority letter authorizing representative to appear on his behalf nor he appeared in person. Sh. N.K Jeet did not respond to the notice issued to him under this office letter No. 1962 dated 26.12.2005. The court has no other address on which the workman could be served. Thus the Court is satisfied that the workman is not interested in prosecuting his claim made through the reference under consideration. The Court is further satisfied that the claim petition filed by Sh. N.K Jeet was without authority and, therefore, needs no consideration.

The Govt. of India has desired to know "Whether, the action of the Management of General Manager, Telecom, Bathinda in terminating the services of Sh. Gurdip Singh S/o Sh. Jagir Singh is Legal and Justified, if not, to what relief the workman is entitled and from what date?" As stated earlier the workman has not come forward to detail his claim. In the statement of claim which was filed by Sh. N.K Jeet he claimed that he had served the management of SDOT Mansa from 01.06.1996 to 01.03.1999 on the monthly salary of Rs. 1,780/-; that the management did not follow the provisions of Industrial Dispute Act, 1947, to be referred to in short ACT and principles of natural justice. They retained the juniors of the workman and also recruited fresh hands without providing chance to the workman. He has prayed for his reinstatement with continuity in service with full back wages along with interest thereon and costs. By his rejoinder he has contested the case of the management made out by them in their written statement. He denied that he was ever engaged by a

contractor. He claimed that he was provided work by the management and it is they who supervised his working. He served the management for 240 days and thus he was entitled to protection under the ACT. He has further alleged that neither the management was validly registered nor the contractor had the licence to engage labour under the Contract Labour (R&A) Act, 1970. He also denied that the management could not engage the labour directly in view of the ban imposed and stated that management had recruited employees directly.

The management in reply to the claim of the workman submitted that the claim is not maintainable since he was not engaged by the management as workman directly and he has not impleaded the concerned contractor as necessary party, therefore, his claim is not maintainable. On merit it is their case that the management had never engaged a workman or labourer prior to 15th August, 1994 directly or through a contractor. They obtained registration certificate under the Contract Labour (R&A) Act, 1997 and thereafter entered into agreement on 1st August 1994 with Ashok Kumar, Amarjeet Singh, who had valid licenses issued by Assistant Labour Commissioner, Chandigarh. It was the contractor who provided casual labourers to the management therefore, it was contractors who were required to follow the provision of Section 25 F of the Act. According to them a daily wage employee cannot acquire the right to hold a civil post as is held by the High Court of Himachal Pradesh and Apex Court of the country. It is their case that the recruitment on a civil post is done under the service rules framed under article 309 of the Indian Constitution. Giving the history of recruitment in the departments of Govt. of India it is claimed by the management that in the department of Telecom it was directed that no recruitment from the open market be done till the existing employees in the basic feeder cadre are screened and eligible employees accommodated in the restructured cadre like Senior Telecom Operating Assistant. The ban on engaging casual labourers is continuing since 1st April 1985 besides there is also partial ban for engagement of casual labourers except for co-axial cable work in the project organization and in line dismantling/construction work in electrification project circles. But those labourers should also be engaged for specific jobs and retrenched as soon as the work is over. In view of the ban imposed the engagement of Chowkidar could not be considered. Thus his claim is not maintainable as he was neither appointed by the management nor recruited directly. The question of terminating his service therefore does not arise. The management has categorically denied the claim of the workman.

On record there are only pleadings of the parties and no proof. The management has produced photocopies of some documents but the same have not been proved in accordance with law. On the other hand the workman has failed to lead any evidence in support of his claim. As stated earlier he never appeared in the case and the person who claimed himself to be authorized by him was never authorized by the workman. The workman has not come in the witness box nor has filed his affidavit in support of the pleadings. The whereabouts of the workman are not available. The only address available with the tribunal was

through Shri N.K Jeet and on a notice to him on that address Sh. N.K Jeet stated that he has no instructions to appear. He also could not produce any authority letter in support of his claim to represent the workman.

As regards, the merit of the case I do not find any evidence to support the claims of the workman which has been categorically denied by the management. There is therefore, no evidence to hold that workman was engaged by the management and that his services were terminated in violation of provisions of the Act. For this reason the workman is entitled to no relief. The reference is answered in these terms. Let a copy of the award be sent to the appropriate Govt. for necessary action and the file be consigned to records after through completion.

KULDIP SINGH, Presiding Officer.

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3198.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 648/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/263/1999-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3198.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 648/2005) of the Central Government Industrial Tribunal cum Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/263/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT II
CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I.D. No. 648/2005

Registered on 8-12-99

Date of Decision 06-6-2006.

Sunil Chander C/o Jeet Singh, President, Telecom Labour Union, Mohalla Hari Ngr., Lal Singh Basti Road, Bhatinda (Punjab)

Petitioner

Versus

Ministry of Communication, D/o Telecom, Sanchar
Bhawan, New Delhi.

...Respondant

APPEARANCE:

For the Workman: N.K. Jeet

For the Management: Mr.G.C.Babbar,
Advocate.**AWARD**

The workman continues to be absent. Management appears through counsel.

On the last date of hearing Mr. N.K Jeet who had been appearing for the workman all along stated that he has no instructions to appear in this case. From the perusal of the record it appeared that the workman filed the statement of claim through Sh. N.K Jeet. He appeared all along through Sh. N.K Jeet, who claimed himself to be duly authorized to file the Claim Statement and prosecute the case. He undertook to provide the address of the workman but did not provide the same and stopped appearing in the case. He did not appear in the case on the last date of hearing and is also not present today. On record there is no address of the workman other than "C/o Sh. N.K Jeet", who, as stated earlier has stopped appearing in the case. The Court is at loss to serve the workman and to know his case. The workman himself has never appeared in the case. Thus it cannot be said whether workman with the name Sunil Chander, was engaged by the Management and his services were terminated by them without following the provisions of law.

The Management, in their reply to the Claim of the workman, has submitted that the workman was neither engaged by them nor his services were terminated by them.

Taking the assistance of the judgments passed by the Supreme Court and High Courts of the country, the Management has claimed that the workman was neither recruited nor his services were terminated by the Management. He might have worked as contract labourer and in that capacity he did not earn right to be regularized in services. The Management has shown complete ignorance about the status of the workman and has denied categorically that he was ever engaged by the Management.

In the circumstances when the workman has not come forward to support his claim and when the relationship claimed by the workman has been categorically denied by the Management, in their Written Statement duly supported by the Affidavit of their witness Sh. J.N Batta, D.E.P (Legal), it cannot be held that the workman was engaged by the Management from 13-01-1996 on a salary of Rs. 2140 p.m and his services were terminated on 1st Jan. 1998 without following the provisions of law. Thus it cannot be said that the Management passed an illegal order and unjustified order terminating the services of Sh. Sunil Chander, the workman. For this reason the workman is not entitled to any relief. The reference, is therefore, answered in these

terms. Let a copy of this award be sent to the appropriate Govt. for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3199.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/त्रय न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 730/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/407/1999-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3199.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 730/2005) of the Central Government Industrial tribunal-cum-Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/407/1999-1R(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II
CHANDIGARH**

PRESENT:

SHRI KULDIP SINGH : Presiding Officer

CASE No. I.D.No.730/2005

Registered on 01-09-2005

Date of Decision 16-05-2006

Sh. Balram S/o Sh. Hari Ram Singh, C/o Sh. N.K. Jeet,
Mohalla Hari Nagar, Lai Singh Basti Road, Bathinda

—Petitioner

Versus

General Manager, Telecom, Bathinda.

— Respondent

APPEARANCE:

For the Workman :

Nemo

For the Management :

Mr.G.C.Babbar,
Advocate**AWARD**

The Workman continues to be absent Mr. R.P Singh, who has been appearing in the case for the workman and who had sought time to file letter of authority as well as affidavit of workmen is present. He states that he has no instructions to appear in this case. The record of the file

shows that the workman has not appeared in person on any date and only his representative Mr. N.K. Jeet appeared on his behalf in the reference also the workman was shown as "Care of Sh. N.K. Jeet". The pleadings of the workman have also been signed by Sh. N.K. Jeet, but on the record I have not found the authority letter by which the workman had ever authorized Sh. N.K. Jeet or any body else to represent him. When the workman did not appear in the case, the notice to him was issued on the address available on record, that is, care of Sh. N.K. Jeet. But neither he filed his authority letter authorizing representative to appear on his behalf nor he appeared in person. Sh. N.K. Jeet did not respond to the notice issued to him under this office letter No.1962 dated 26-12-2005. The court has no other address on which the workman could be served. Thus the Court is satisfied that the workman is not interested in prosecuting his claim made through the reference under consideration. The Court is further satisfied that the claim petition filed by Sh. N.K. Jeet was without authority and, therefore, needs no consideration.

The Govt. of India has desired to know "whether, the action of the Management of . General Manager, Telecom, Bathinda in terminating the services of Sh. Balram S/o Sh. Hari Ram Singh is' Legal and Justified, if not, to what relief the workman is entitled and from what date." As stated earlier the workman has not come forward to detail his claim. In the statement of claim which was filed by Sh. N.K. Jeet he claimed that he had served the management of DE. E-10B, Bathinda from 16-07-1998 to 01-03-1999 on the monthly salary of Rs. 2,138 that the management did not follow the provisions of Industrial Dispute Act, 1947, to be referred to in short "ACT" and principles of natural justice. They retained the juniors of the workman and also recruited fresh hands without providing chance to the workman. He has prayed for his reinstatement with continuity in service with full back wages along with interest thereon and costs. By his rejoinder he has contested the case of the management made out by them in their written statement. He denied that he was ever engaged by a contractor. He claimed that he was provided work by the management and it is they who supervised his working. He served the management for 240 days and thus he was entitled to protection under the ACT. He has further alleged that neither the management was validly registered nor the contractor had the licence to engage labour under the Contract Labour (R&A) ACT, 1970. He also denied that the management could not engage the labour directly in view of the ban imposed and stated that management had recruited employees directly.

The management in reply to the claim of the workman submitted that the claim is not maintainable since he was not engaged by the management as workman directly and he has not impleaded the concerned contractor as necessary party, therefore, his claim is not maintainable. On merit it is their case that the management had never engaged a workman or labourer prior to 1st August, 1994 directly or through a contractor. They obtained registration certificate under the Contract Labour (R&A) ACT, 1997 and thereafter

entered into agreement on 1st August 1994 with Ashok Kumar, Amarjeet Singh, M/s. Deepak Kumar who had valid licenses issued by Assistant Labour Commissioner, Chandigarh. It was the contractor who provided casual labourers to the management therefore, it was contractors who were required to follow the provision of Section 25 F of the ACT. According to them a daily wage employee cannot acquire the right to hold a civil post as is held by the High Court of Himachal Pradesh and Apex Court of the country. It is their case that the recruitment on a civil post is done under the service rules framed under article 309 of the Indian Constitution. Giving the history of recruitment in the departments of Govt. of India it is claimed by the management that in the department of Telecom it was directed that no recruitment from the open market be done till the existing employees in the basic feeder cadre are screened and eligible employees accommodated in the restructured cadre like Senior Telecom Operating Assistant. The ban on engaging casual labourers is continuing since 1st April 1985 besides there is also partial ban for engagement of casual labourers except for co-axial cable work in the project organization and in line dismantling/ construction work in electrification project circles. But those labourers should also be engaged for specific jobs and retrenched as soon as the work is over. In view of the ban imposed the engagement of workman could not be considered. Thus his claim is not maintainable as he was neither appointed by the management nor recruited directly. The question of terminating his service therefore does not arise. The management has categorically denied the claim of the workman.

On record there are only pleadings of the parties and no proof. The management has produced photocopies of some documents but the same have not been proved in accordance with law. On the other hand the workman has failed to lead any evidence in support of his claim. As stated earlier he never appeared in the case and the person who claimed himself to be authorized by him was never authorized by the workman. The workman has not come in the witness box nor has filed his affidavit in support of the pleadings. The whereabouts of the workman are not available. The only address available with the tribunal was through Shri N.K. Jeet and on a notice to him on that address Sh. N.K. Jeet stated that he has no instructions to appear. He also could not produce any authority letter in support of his claim to represent the workman.

As regards, the merit of the case I do not find any evidence to support the claims of the workman which has been categorically denied by the management. There is therefore, no evidence to hold that workman was engaged by the management and that his services were terminated in violation of provisions of the Act. For this reason the workman is entitled to no relief. The reference is answered in these terms. Let a copy of the award be sent to the appropriate govt. for necessary action and the file be consigned to records after through completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3200.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 737/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/398/1999-आईआर (डीयू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3200.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 737/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/398/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

PRESENT:

SHRI KULDIP SINGH, Presiding Officer

Case No.I.D. No. 737/2005

Registered on 02-09-2005

Date of Decision 16-05-2006

Sh. Kashmir Singh S/o Sh. Gulzar Singh, R/o VPO: Pacca Kalan, Tehsil-Talwandi Sado, Distt. Bathinda C/o Sh. N.K Jeet, Mohalla Hari Nagar, Lal Singh Basti Road, Bathinda.

—Petitioner

Versus

General Manager, Telecom, Bathinda

— Respondent

APPEARANCE:

For the Workman: Nemo

For the Management : Mr. G. C. Babbar,
Advocate

AWARD

The Workmen continues to be absent Mr. R.P Singh, who has been appearing in the case for the workman and who had sought time to file letter of authority as well as affidavit of workmen is present. He states that he has no instructions to appear in this case. The record of the file shows that the workman has not appeared in person on any date and only his representative Mr. N.K Jeet appeared

on his behalf. In the reference also the workman was shown as "Care of Sh. N.K Jeet". The pleadings of the workman have also been signed by Sh. N.K Jeet, but on the record I have not found the authority letter by which the workman had ever authorized Sh. N.K Jeet or anybody else to represent him. When the workman did not appear in the case, the notice to him was issued on the address available on record, that is, care of Sh. N.K Jeet. But neither he filed his authority letter authorizing representative to appear on his behalf nor he appeared in person. Sh. N.K Jeet did not respond to the notice issued to him under this office letter No.1962 dated 26-12-2005. The court has no other address on which the workman could be served. Thus the Court is satisfied that the workman is not interested in prosecuting his claim made through the reference under consideration. The Court is further satisfied that the claim petition filed by Sh. N.K Jeet was without authority and, therefore, needs no consideration.

The Govt. of India has desired to know "whether, the action of the Management of General Manager, Telecom, Bathinda in terminating the services of Sh. Kashmir Singh S/o Sh. Gulzar Singh is Legal and Justified, if not, to what relief the workman is entitled and, from what date." As stated earlier the workman has not come forward to detail his claim. In the statement of claim which was filed by Sh. N.K Jeet he claimed that he had served the management of Telephone Exchange, Raman, from 01-01-1998 to 01-03-1999 on the monthly salary of Rs. 2,138 that the management did not follow the provisions of Industrial Dispute Act, 1947, to be referred to in short 'ACT' and principles of natural justice. They retained the juniors of the workman and also recruited fresh hands without providing chance to the workman. He has prayed for his reinstatement with continuity in service with full back wages along with interest thereon and costs. By his rejoinder he has contested the case of the management made out by them in their written statement. He denied that he was ever engaged by a contractor. He claimed that he was provided work by the management and it is they who supervised his working. He served the management for 240 days and thus he was entitled to protection under the ACT. He has further alleged that neither the management was validly registered nor the contractor had the licence to engage labour under the Contract Labour (R&A) ACT 1970. He also denied that the management could not engage the labour directly in view of the ban imposed and stated that management had recruited employees directly.

The management in reply to the claim of the workman submitted that the claim is not maintainable since he was not engaged by the management as workman directly and he has not impleaded the concerned contractor as necessary party, therefore, his claim is not maintainable. On merit it is their case that the management had never engaged a workman or labourer prior to 1st August, 1994 directly or through a contractor. They obtained registration certificate under the Contract Labour (R&A) ACT 1997 and thereafter entered into agreement on 1st August, 1994 with M/s. Deepak Kumar, BTI & Others, who had valid licenses

issued by Assistant Labour Commissioner, Chandigarh. It was the contractor who provided casual labourers to the management therefore, it was contractors who were required to follow the provision of Section 25 F of the ACT. According to them a daily wage employee cannot acquire the right to hold a civil post as is held by the High Court of Himachal Pradesh and Apex Court of the country. It is their case that the recruitment on a civil post is done under the service rules framed under article 309 of the Indian Constitution. Giving the history of recruitment in the departments of Govt. of India it is claimed by the management that in the department of Telecom it was directed that no recruitment from the open market be done till the existing employees in the basic feeder cadre are screened and eligible employees accommodated in the restructured cadre like Senior Telecom Operating Assistant. The ban on engaging casual labourers is continuing since 1st April, 1985 besides there is also partial ban for engagement of casual labourers except for co-axial cable work in the project organization and in line dismantling/construction work in electrification project circles. But those labourers should also be engaged for specific jobs and retrenched as soon as the work is over. In view of the ban imposed the engagement of workman could not be considered. Thus his claim is not maintainable as he was neither appointed by the management nor recruited directly. The question of terminating of his service therefore does not arise. The management has categorically denied the claim of the workman.

On record there are only pleadings of the parties and no proof. The management has produced photocopies of some documents but the same have not been proved in accordance with law. On the other hand the workman has failed to lead any evidence in support of his claim. As stated earlier he never appeared in the case and the person who claimed himself to be authorized by him was never authorized by the workman. The workman has not come in the witness box nor has filed his affidavit in support of the pleadings. The whereabouts of the workman are not available. The only address available with the tribunal was through Shri N.K Jeet and on a notice to him on that address Sh. N.K Jeet stated that he has no instructions to appear. He also could not produce any authority letter in support of his claim to represent the workman.

As regards, the merit of the case I do not find any evidence to support the claims of the workman which has been categorically denied by the management. There is therefore, no evidence to hold that workman was engaged by the management and that his services were terminated in violation of provisions of the Act. For this reason the workman is entitled to no relief. The reference is answered in these terms. Let a copy of the award be sent to the appropriate government for necessary action and the file be consigned to records after through completion.

KULDEEP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3201.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 11, चण्डीगढ़ के पंचाट (संदर्भ संख्या 732/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/401/1999-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3201.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 732/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. 11, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/401/1999-1R(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II CHANDIGARH

PRESENT : SHRI KULDEEP SINGH, Presiding Officer

CASE NO. I.D. No. 732/2K5

Registered on 01-09-2005

Date of Decision 16-05-2006

Sh. Ajay Kumar S/o Sh. Bhagwat Shankar,
C/o Sh. N.K. Jeet, Mohalia Hari Nagar,
Lal Singh Basti Road, Bathinda.

—Petitioner

Versus

General Manager, Telecom, Bathinda.

— Respondent

APPEARANCE:

For the Workman	:	Nemo
For the Management	:	Mr. G.C. Babbar, Advocate

AWARD

The Workmen continues to be absent Mr. R.P Singh, who has been appearing in the case for the workman and who had sought time to file letter of authority as well as affidavit of workmen is present. He states that he has no instructions to appear in this case. The record of the file

shows that the workman has not appeared in person on any date and only his representative Mr. N.K Jeet appeared on his behalf in the reference also the workman was shown as "Care of Sh. N.K Jeet". The pleadings of the workman have also been signed by Sh. N.K Jeet, but on the record I have not found the authority letter by which the workman had ever authorized Sh. N.K Jeet or anybody else to represent him. When the workman did not appear in the case, the notice to him was issued on the address available on record, that is, care of Sh. N.K Jeet. But neither he filed his authority letter authorizing representative to appear on his behalf nor he appeared in person. Sh. N.K Jeet did not respond to the notice issued to him under this office letter No.1962 dated 26-12-2005. The Court has no other address on which the workman could be served. Thus the Court is satisfied that the workman is not interested in prosecuting his claim made through the reference under consideration. The Court is further satisfied that the claim petition filed by Sh. N.K Jeet was without authority and, therefore, needs no consideration.

The Govt. of India has desired to know "whether the action of the Management of General Manager, Telecom, Bathinda in terminating the services of Sh. Ajay Kumar S/o Sh. Bhagwat Shankar is legal and justified, if not, to what relief the workman is entitled and from what date." As stated earlier the workman has not come forward to detail his claim. In the statement of claim which was filed by Sh. N.K Jeet he claimed that he had served the management of SDOP Bathinda from 1-4-1994 to 1-3-1999 on the monthly salary of Rs. 2,138 that the management did not follow the provisions of Industrial Disputes Act, 1947, to be referred to in short "Act" and principles of natural justice. They retained the juniors of the workman and also recruited fresh hands without providing chance to the workman. He has prayed for his reinstatement with continuity in service with full backwages along with interest thereon and costs. By his rejoinder he has contested the case of the management made out by them in their written statement. He denied that he was ever engaged by a contractor. He claimed that he was provided work by the management and it is they who supervised his working. He served the management for 240 days and thus he was entitled to protection under the Act. He has further alleged that neither the management was validly registered nor the contractor had the licence to engage labour under the Contract Labour (R&A) Act 1970. He also denied that the management could not engage the labour directly in view of the ban imposed and stated that management had recruited employees directly.

The management in reply to the claim of the workman submitted that the claim is not maintainable since he was not engaged by the management as workman directly and he has not impleaded the concerned contractor as necessary party, therefore, his claim is not maintainable. On merit it is their case that the management had never engaged a workman or labourer prior to 1st August, 1994 directly or through a contractor. They obtained registration certificate

under the Contract Labour (R&A) Act 1997 and thereafter entered into agreement on 1st August 1994 with M/s. J.S Chaudhary Govt. and other contractors like Sohan Lal, Ashok Kumar, Amarjeet Singh M/s. Deepak Kumar, who had valid licenses issued by Assistant Labour Commissioner, Chandigarh. It was the contractor who provided casual labourers to the management therefore, it was contractors who were required to follow the provision of Section 25 F of the Act. According to them a daily wage employee cannot acquire the right to hold a civil post as is held by the High Court of Himachal Pradesh and Apex Court of the country. It is their case that the recruitment on a civil post is done under the service rules framed under article 309 of the Indian Constitution. Giving the history of recruitment in the departments of Govt. of India it is claimed by the management that in the department of Telecom it was directed that no recruitment from the open market be done till the existing employees in the basic feeder cadre are screened and eligible employees accommodated in the restructured cadre like Senior Telecom Operating Assistant. The ban on engaging casual labourers is continuing since 1st April, 1985 besides there is also partial ban for engagement of casual labourers except for co-axial cable work in the project organization and in line dismantling/construction work in electrification project circles. But those labourers should also be engaged for specific jobs and retrenched as soon as the work is over. In view of the ban imposed the engagement of management could not be considered. Thus his claim is not maintainable as he was neither appointed by the management nor recruited directly. The question of terminating his service therefore does not arise. The management has categorically denied the claim of the workman.

On record there are only pleadings of the parties and no proof. The management has produced photocopies of some documents but the same have not been proved in accordance with law. On the other hand the workman has failed to lead any evidence in support of his claim. As stated earlier he never appeared in the case and the person who claimed himself to be authorized by him was never authorized by the workman. The workman has not come in the witness box nor has filed his affidavit in support of the pleadings. The whereabouts of the workman are not available. The only address available with the tribunal was through Shri N.K Jeet and on a notice to him on that address Sh. N.K Jeet stated that he has no instructions to appear. He also could not produce any authority letter in support of his claim to represent the workman.

As regards, the merit of the case I do not find any evidence to support the claims of the workman which has been categorically denied by the management. There is therefore, no evidence to hold that workman was engaged by the management and that his services were terminated in violation of provisions of the Act. For this reason the workman is entitled to no relief. The reference is answered

in these terms. Let a copy of the award be sent to the appropriate Govt. for necessary action and the file be consigned to records after through completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3202.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 263/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/395/1999-आईआर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3202.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 263/2005) of the Central Government Industrial Tribunal-cum- Labour Court, No.-II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/395/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II CHANDIGARH

PRESIDING OFFICER : SHRI KULDIP SINGH

CASE No.I.D.No..263/2K5

Registered on 11/4/2001/11-8-2005.

Date of Decision 7-6-2006.

Prem Nath S/o Sh. Rakha Ram, C/o Sh. N.K. Jeet, 27349,
Lal Singh Basti Road, Bathinda (Punjab)

...Petitioner

Versus

Ministry of Communication, D/o Telecom, Sanchar
Bhawan, New Delhi.

...Respondent

APPEARANCE

For the Workman : N. K. Jeet

For the Management : Mr. G. C. Babbar,
Advocate.

AWARD

The workman is not present. On the last date of hearing Mr. R.P. Rana who was representing the workman in the case all along, submitted that the workman shall be informed about the date fixed in the case; and that he has no instructions to appear on behalf of the workman. Today neither the workman is present nor there is any request on his behalf for adjournment. The perusal of the file shows that the workman was summoned by the Court on the address given in the reference i.e C/o Sh. N.K. Jeet. Mr. Jeet was given notice and through him to the workman to appear in the case. On 16th March, 2006 Mr. Jeet stated that he has no instructions to appear in the case nor he has the address of the workman on which he can be served. In the circumstances the Court is at loss to serve the workman and know his case. The workman himself has not bothered to find out the progress in his case and that speaks of his interest in following his claim.

The appropriate Govt. vide their order No. L-40012/395/99/TR (DU) dated 9th Feb. 2000 desired to know whether the action of the Management of General Manager Telecom Jalandhar in terminating the services of Shri Prem Nath S/o Rakha Ram is legal and justified? If not, to what relief the workman is entitled and from which date.

The workman in his statement of Claim submitted that he had served the Management from 17th May, 1995 to 16th March, 1999 under SDOT Nawanshahar on a monthly salary of Rs 2138 and the Management terminated his services without following the provisions of Industrial Dispute Act 1947, hereinafter to be referred as "Act". The Management by a Written Statement has denied the claim of the workman.

As stated earlier the workman has not appeared in the case on any day nor filed his affidavit to counter the claim of the Management. The workman has also not come in the witness box and, therefore, the Claim made by the parties has remained unsubstantiated. In this, the looser is the workman as it is he who has come to the Court for a relief. I do not find any evidence to hold that the workman was in fact engaged by the Management and it was they who terminated the services of the workman and the termination was not justified and legal. In the circumstances the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to the appropriate Govt. for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3203.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 904/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/473/1999-आईआर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3203.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 904/2005) of the Central Government Industrial-tribunal-cum Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/473/1999-IR(DU)]

SURENDRA SINGH, Desk Officer
ANNEXURE

**THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No. 904/2K5

Registered on 10-05-2005

Date of Decision 22-3-2006

Jagrop Singh Versus Telecom

APPEARANCES:

For the Workman : Mr. N. K. Jeet

For the Management : Mr. G. C. Babbar,
Advocate**AWARD**

The Government of India vide notification No. L-40012/473/99-IR(DU) dated 13-3-2000 referred the following matter for the adjudication of this Tribunal.

"Whether the action of the Management of General Manager, Telecom Bhatinda in terminating the services of Sh. Jagrop Singh S/o Sh. Joginder Singh is legal and justified? If not, to what relief the workman is entitled and from which date?"

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman

was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is infact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3204.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 903/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/470/1999-आईआर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3204.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 903/2005) of the Central Government Industrial-tribunal-cum Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/470/1999-IR(DU)]

SURENDRA SINGH, Desk Officer
ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

CASE No. I. D. No. 903/2K5

Registered on 10-05-2005

Date of Decision 22-3-2006

Pal Singh Versus Telecom

APPEARANCES

For the Workman : Mr. N. K. Jeet

For the Management : Mr. G. C. Babbar,
Advocate

AWARD

The Government of India *vide* notification No. L-40012/470/99 -IR(DU) dated 13-3-2000 referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Management of General Manager, Telecom Bhatinda in terminating the services of Sh. Pal Singh S/o Sh. Ram Singh is legal and justified? If not, to what relief the workman is entitled and from which date?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is infact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 17 जुलाई, 2006

का.आ. 3205.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 901/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/475/1999-आईआर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 17th July, 2006

S.O. 3205.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 901/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 17-7-2006.

[No. L-40012/475/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT II
CHANDIGARH**

Presiding Officer : **Shri KULDIP SINGH**

CASE No.I.D.No.901/2K5

Registered on 10-05-2005

Date of Decision 22.3.2006

Devinder Kumar

Versus

'Telecom

APPEARANCES

For the Workman

: Mr. N. K. Jeet

For the Management

: Mr. G. C. Babbar,
Advocate

AWARD

The Government of India *vide* notification No. L-40012/475/99 IR(DU) dated 13-3-2000 referred the following matter for the adjudication of this Tribunal.

“Whether the action of the Management of General Manager, Telecom Bhatinda in terminating the services of Sh. Davinder Kumar S/o Sh. Chuni Lal is legal and justified? If not, to what relief the workman is entitled and from which date?”

On the notice of Tribunal, the parties appeared through their representatives and filed their pleadings. The record of the case shows that the workman stopped coming to the Court and his representative submitted that he has no instructions to appear in the case. The notice to the workman was issued under R/C, but the same has not been received back even after the expiry of statutory period. This has led the Court to presume that the workman has chosen not to prosecute this case despite notice. On record there is no evidence produced by him to show that the action of the Management in terminating his services was unjust and illegal. There is infact no evidence to show that the workman was engaged by the Management and his services were terminated by them in violation of provisions of Industrial Dispute Act. As such the workman is not entitled to any relief. The reference is answered in these terms. Let the appropriate Government be informed accordingly and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 18 जुलाई, 2006

का.आ. 3206.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय धनबाद नं. I, के पंचाट (संदर्भ संख्या 73/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-7-2006 को प्राप्त हुआ था।

[सं. एल-20012/15/2002-आईआर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 18th July, 2006

S.O. 3206.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 73/2002) of the Central Government Industrial-Tribunal/Labour Court, Dhanbad I, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 18-7-2006.

[No. L-20012/15/2002-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of
Industrial Disputes Act, 1947

Reference No. 73 of 2002

PARTIES : Employers in relation to the management of
Kustore Area of M/ s. B. C. C. Ltd.

AND

Their Workmen

PRESENT : Shri Sarju Prasad, Presiding Officer.

APPEARANCES:

For the Employers : Shri H. Nath,
Advocate

For the Workman : Shri B. N. Singh, Advocate.
State : Jharkhand. Industry : Coal.

Dated, the 12th July, 2006

AWARD

By order No. L-20012/15/2002-IR (C-I) dated 17-7-2002 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal.

“Whether the action of the management of Kustore Area of B.C.C. Ltd. in denying reference of the workman, Sri Deo Nandan Beldar, to Medical Board for age determination is justified? If not, to what relief the said workman is entitled?”

2. The case of the concerned workman is that he was appointed in Ena Colliery on 17-10-1971, from where he was transferred to Simla Bahal Colliery in 1996 and from Simla Bahal Colliery to Bhalgora in 1999 and lastly from Bhalgora Project to Bhagatdih Colliery in the year 2001.

According to him, his year of birth in the Identity card issued to him is 1950 and in service excerpt issued to him in the year 1987 is also of the year 1950. As per Standing Orders of the company where exact date of birth is not available and the year of birth is only established, the 1st July of the said year shall be taken as the date of birth. Therefore, according to Standing Orders of the company the date of birth of the concerned workman is 1-7-1950 and he ought to have superannuated w.e.f. 1-7-2010. But all on a sudden during the month of June, 1998 the management issued him Form P.S.-3 under Coal Mines Pension Scheme, 1998 for endorsement wherein the management has mentioned his date of birth as 1-7-1946 which is contrary to the entry of date of birth made by the management in the service record excerpt and I.D. Card. The concerned workman then addressed to the management his representation dated 9-7-1998 and 18-4-2000 against the unilateral change in the date of birth. But the management did not correct his date of birth nor referred him to Apex Medical Board for determination of his age, therefore he raised this industrial dispute through the sponsoring union on 13-10-2001.

3. The case of the management, on the other hand, is that the concerned workman was appointed at Ena Colliery on 17-10-1971. At that time he had declared his age as 28 years and same was entered in Form 'B' Register. Thus, his date of birth is 17-10-1943 as per old Form 'B' Register of Ena Colliery. But at the time of his transfer from Ena Colliery to Simla Bahal Colliery the official of Ena Colliery committed mistake in communicating the date of birth of the concerned workman and they mentioned the age of the concerned as 28 years in 1974 instead of 28 years as on 17-10-1973 and accordingly his age was recorded in Simla Bahal Colliery as 1-7-1946. Again when he was transferred from Simla Bahal Colliery to Bhalgora Project his same age was recorded i.e. 28 years in the year 1974, although his actual date of birth in Form 'B' Register of Ena Colliery is 17-10-1943. According to the management, the concerned workman has got his age manipulated in the Identity Card and service excerpt as 1950. In view of the age recorded in Form 'B' Register of the colliery the management did not find it proper to refer the concerned workman to Apex Medical Board for determination of his age even after the concerned workman raised the industrial dispute in the year 2001.

4. As per the term of reference the only point for consideration is whether the action of the management in not referring the concerned workman, Deo Nandan Beldar to Apex Medical Board is justified? If not, to which relief the concerned workman is entitled?

5. Both parties have led evidence both oral and documentary in support of their claim. The concerned workman has examined himself in support of his case and has produced some documents i.e. Identity Card (Ext. W-1) and Service Excerpt issued by the management in which his year of birth has been mentioned as 1950 (Ext. W-2).

These two documents have been issued to the concerned workman by the management under the signature of the representative of the management and there is no cutting or overwriting anywhere in these documents.

6. The management has also examined one witness, H. S. Roy, who has brought on record Form 'B' Register of Ena Colliery which has been marked Ext. M-1. He has also brought on record L.P.C. issued from Ena Colliery when he was transferred to Simla Bhahal Colliery in which his date of birth has been mentioned as 1-7-46. The L.P.C. has been marked as Ext. M-2. The management has also brought on record the application of the sponsoring union before the Asstt. Labour Commissioner (C) which has been marked Ext. M-3 and the reply of the management which has been marked Ext. M-4. According to the management, his date of birth as recorded in Form 'B' Register of Ena Colliery is 17-10-1946, but the management did not superannuate him w.e.f. 17-10-2003, rather he has been allowed to work till 30-6-2006. According to the management, the date of birth recorded in L.P.C. and in the colliery record where the concerned workman was transferred is incorrect but the management allowed the concerned workman to work till he attained 60 years on the alleged incorrect date of birth so recorded in transferee colliery. The management has not brought on record the CMPF record to show what is the date of birth mentioned in CMPF record. So far Form 'B' Register of Ena Colliery which has been marked Ext. M-1, it does not bear signature of official of the colliery nor it contains photo of the concerned workman. It is admitted that he was appointed on 17-10-1971, but his date of appointment is also not mentioned there and it appears that this register was prepared sometime in the year 1974 i.e. about three years after the date of his appointment. Section 48 of the Mines Act, 1952 and Rules framed thereunder provides that the Form 'B' Register should be maintained on the date of appointment of the workman itself, but there is no compliance of statutory provision of Mines Act and the management has not produced Form 'B' Register which was prepared in the year 1971 itself on the date when the concerned workman was appointed. The Rules framed under Mines Act require that this Form 'B' Register must be maintained on the date of appointment of the workman itself and it must contain signature of officer incharge of the register, but there is none. According to the management, the age of the concerned workman was mentioned 21 years as on the date of appointment but against the entries of the concerned workman there is no mentioned that his age is as on the date of appointment. Therefore, it is apparent that Form 'B' Register has not been maintained properly. Therefore, this Form 'B' Register (Ext. M-1) is not helpful to the management.

7. It is not disputed that whenever there is discrepancy in recording of the age/date of birth then such workman should be referred to Apex Medical Board for determination of his age. Therefore, the action of the management in not

referring him to Apex Medical Board is not justified and the concerned workman is entitled to be referred to Apex Medical Board for determination of his age.

8. In the result, I render following award :

The action of the management of Kustore Area of M/s. B.C.C. Ltd. in not referring the concerned workman to Apex Medical Board is not justified and he is entitled to be referred to the Apex Medical Board. The management is directed to refer him to the Apex Medical Board within 30 days from the date of publication of the award and the Apex Medical Board must assess the age of the concerned workman within 30 days thereafter. The management is further directed to reinstate the concerned workman with full back wages and continuity of service in case his age is assessed by Apex Medical Board below the age of superannuation.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 18 जुलाई, 2006

का.आ. 3207.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल बैंक ऑफ कॉमर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 130/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-2006 को प्राप्त हुआ था।

[सं. एल-12011/97/1997-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th July, 2006

S.O. 3207.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.130/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Oriental Bank of Commerce and their workmen, received by the Central Government on 14-7-2006.

[No. L-12011/97/1997-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT AHMEDABAD

PRESENT:

Shri B. I. Kazi (B. Sc., L. L.M.) Presiding Officer
Industrial Dispute (Reference C.G.I.T.A.)
No. 130/04.

Old (I.T.C.) No. 96/1998

Oriental Bank of Commerce
The Asst. General Manager (P)
OBC Regional Office
Chanakya, 4th Floor,
Ashram Road, Ahmedabad

... First Party

V/s.

नई दिल्ली, 19 जुलाई, 2006

The President,
Oriental Bank of Commerce Employees Union
Sripal Near Society, Usmanpura, Ashram Road,
Ahmedabad ... Second Party

Appearances

First Party : A.S. Parikh

Second Party : Shri P.S. Chari

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12011/97/1997-IR (B-II) dated 20-10-1998 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of Oriental Bank of Commerce in considering Special Allowance in the nature of basic pay while fixing the pay of Ex-servicemen & Others (Numbering - 8) employed in the Bank prior to 13-03-1992 was done fairly and justly and the recovery so made due to re-opening of their case after 13-03-1992 are legal and justified? If the answer to the above is "NO" then what relief the concerned employees are entitled to?"

2. A notice was issued to the parties to file their claims. The second party have filed the statement of claim by Ex. 03. The first party has filed the written statement by Ex. 05. However, the proper opportunity was given by this Tribunal to prove its case to the second party. The second party failed to prove its case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen failed to prove its case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of Oriental Bank of Commerce in considering special allowance in the nature of basic pay while fixing the pay of Ex-servicemen & Others (Numbering - 8) employed in the Bank prior to 13-03-1992 was done fairly and justly and the recovery so made due to re-opening of their case after 13-03-1992 are legal and just. The concerned workmen are not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 22-11-06

Ahmedabad.

B.I. KAZI, Presiding Officer

का.आ. 3208.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेन्डेन्ट ऑफ पोस्ट आफिस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1053/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/64/1993-आईआर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3208.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1053/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Supdt. of Post Offices and their workman, which was received by the Central Government on 19-7-2006.

[No. L-40012/64/1993-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

PRESIDING OFFICER:

SHRI KULDIP SINGH

Case No. I.D. No. 1053/2005

Registered on 23-8-1994

Date of Decision 12-7-2006

Surjeet Kumar

C/o Sh. S.D. Aggarwal,
H. No. 3115, Sector-38D,
Chandigarh

Versus

The Superintending of Post Offices, ... Respondent
Ludhiana Muffasil Division
Ludhiana (Punjab)-141002

APPEARANCE

For the Workman : Mr. S.D. Aggarwal

For the Management : Mr. Madan Mohan,
Advocate

AWARD

The Government of India, Ministry of Labour, referred the following matter for the adjudication of this Tribunal *vide* their order No. L-40012/64/1993, dated 11-8-1994;

“Whether the action of the Management of Supdt. of Post Office, Ludhiana, Muffasil Division in terminating the services of Shri Surjeet Kumar is justified? If not, what relief he is entitled to?”

The reference was received in this Court and was registered on 23rd August, 1994. The notice of the reference was given to the parties who appeared through their representatives. The workman filed his Claim Petition, to which the Management filed the Written Statement. The workman filed replication and rebutted the claim of the Management. The workman filed his affidavit whereas the Management filed affidavit of their witness J.P. Kalia. The record of the file shows that the Management also filed the affidavit of Sh. Avtar Singh, Superintendent of Post Offices, Ludhiana. The workman as well as both the witnesses of the Management also came in the witness box and proved the affidavits, filed by them.

The claim of the workman, as is made out in the Claim Statement, is that he was appointed as EDBM, Lehal Majra, Khurd, w.e.f. 15th February, 1982, on which post he worked upto 20th September, 1984, without break, on which day his services were terminated *vide* order No. 1414-A/79 dated 18th September, 1984 without assigning any reason. The order of the Management was in violation of provision of Industrial Disputes Act; therefore, the termination of his services was illegal and bad in law. The workman made repeated representation and ultimately he was re-appointed as EDDA (Extra Departmental Delivery Agent) on the vacancy which fell vacant due to the resignation of one Kuldeep Singh. The workman fulfilled all the necessary formalities including the submission of security bond and health certificate. He continued serving till 20th June, 1990, when all on a sudden his services were terminated without assigning any reason and on the overall instructions of Sh. Janak Singh, Mail Overseer. The workman has further claimed that he made representation to the authorities and he was assured by the Superintendent of Post Offices, Ludhiana that his case has been taken up with Post Master General, Punjab Circle, Chandigarh, but he got no reply.

The claim of the workman in substance is that he had served the Management from 15th February, 1982 to 20th September, 1984 and then from 2nd January, 1989 to 20th of June, 1990 and in that between he remained out of job for no fault of his. In no case he served the department for less than 240 days and the Management, by disengaging him, violated the provisions of Industrial Disputes Act. The Management was required to regularize the services of the workman. It is his prayer that the order of termination of his services be cancelled and the Management be directed to reinstate him on the post and also give him the

benefit to continuity of service, back wages and all the consequential benefits such as seniority, as permissible under rules.

The claim of the workman has been opposed on a number of grounds. It is claimed that the Department of Post Offices is not an Industry; that the appointment of the workman was on provisional basis, under the service rules and, therefore, the reference made to this Tribunal is incompetent. Even otherwise the appointment of the workman was subject to the Regular Recruitment Rules and thus did not give him any right to claim the relief he is asking for. It is also claimed that the reference is vague and does not specify the date from which his services were terminated.

On merits it is submitted by the Management that the services of the workman were terminated under Extra Departmental Agents (Conduct and Service Rules 1964); that the workman did not challenge his first termination and at the time of his fresh recruitment and chapter of his earlier recruitment and termination got closed. The demand notice dated 15th October, 1992 is thus barred by limitation having been made eight years after the occasion.

It is further claimed by the Management that the workman was involved in a case of misappropriation of Government money amounting to Rs. 23.90 during the period 9th of January, 1984 to 12th January, 1984; that the appointment of the workman was provisional as the same had been made against the post which fell vacant on the resignation of Sh. Kuldeep Singh, EDPA. However, the said engagement was also against the rules; that the workman did not disclose that he was earlier found guilty of temporary embezzlement otherwise he would not have been engaged; that the workman was paid fixed allowance and not the pay and allowances, as is paid to the regular employees. According to them the matter of temporary embezzlement came to the notice of the Management only in the year 1990 as the workman had not disclosed about it earlier, therefore, his services were terminated under Rule 6 of the Conduct and Service Rules, 1964 and the mention about it was made in the order of termination dated 20th June, 1990. According to them the appointment of the successor of the applicant was also provisional as the engagement was required in view of exigency of work. Denying that there was any retrenchment of the workman, it is claimed that the disengagement of the workman was for the reason given in the order and in the exercise of power under Rule 6 of the P&T, EDPA (Conduct & Service Rules, 1964). The Management further states that the workman had been informed about the rejection of his representation *vide* memo dated 15th February, 1991; and that the services of the workman had been terminated for the reason of his involvement in the embezzlement. According to them the completion of service of 240 days by the workman was of no consequence since he had obtained the service by fraud and by concealing the facts. The foundation of his case was itself shaking, therefore,

his termination from services was justified, legal and valid. The Management has prayed that the claim made by the workman, is misplaced, therefore, the reference may be rejected.

The workman filed rejoinder and reiterated the facts stated in the Claim Petition. He contested that the Department of Post Offices is not an industry and took the assistance of a judgement in the case of Hari Shanker Swami V/s Union Bank of India reported as 1990(III) SLJ-CAT-P-185 and of another case : Rajinder Kumar Sharma V/s Union of India, reported as 1994 (III) SLJ-CAT-Page 228. His claim is that since he had been reinstated in service on 2nd January, 1989 and worked till 20th June, 1990 when his services were terminated again, illegally, he got the cause of action at that time, followed by repeated representations. Therefore, he served demand notice on the Management on 15th Oct., 1992. As such the petition has been made within time. He has challenged the claim of the Management that the workman was involved in temporary misappropriation of Rs. 23.90 and submitted that if that was the case then the Management would have followed the procedure to hold an inquiry and the workman should have been given opportunity to explain his position, before the termination of his services. The Management did not do that and thus the order of termination of his services was bad in law. Denying other assertions of the Management, the workman has submitted that the termination of his services is bad in law, therefore, he may be reinstated with all service benefits and continuity of service all through. As stated earlier, the workman has filed his affidavit verifying the facts stated in the statement of claim and the rejoinder. The Management has filed affidavits of their witnesses J.P. Kalia and Avtar Singh.

The workman in his statement admitted the contents of his affidavit Exhibit W-1. When cross-examined, he claimed that he is unemployed but he did work as a daily wager at times and got Rs. 50 as wages for the day. He further claimed that he gets work for 15 to 20 days in a month; and that he has not registered himself with the Employment Exchange. Sh. J.P. Kalia who appeared as a witness for the Management admitted the contents of his affidavit M-1 and stated that the workman had worked for the Department from 1982 to 1984 and then from 1989 to 1990 in the temporary capacity. He claimed that during the year 1984 an inquiry was held against the workman, but admitted that the report of the inquiry has not been placed on record. The record of the file shows that the statement of this witness was deferred for his producing the inquiry file, but he did not turn up nor the Management produced the inquiry file. The Management produced another witness Avtar Singh, who also admitted the contents of his affidavit M-2. He admitted that no charge-sheet was served upon the workman nor he could say whether inquiry was held against the workman or not. He then admitted that in fact no charge-sheet was served upon the workman before the termination

of his services, nor he was given one month's notice before such termination.

From the pleadings of the parties and the statement of their witness, it has emerged that the workman had served the Management from the year 1982 to 1984 and then from 1989 to 1990. The workman has claimed the specific period during which he performed duty for the Management. According to him he served the Management from 15th Feb., 1992 to 20th Sep., 1984 and then from 22nd Jan., 1989 to 20th June, 1990. Thus there is no dispute that the workman had served the Management for 240 days as is claimed by him. Rather the fact appears to be that he served the Management for 240 days at two occasions. That is why the Management in para No. 12 of their written Statement contended that his completing 240 days of service is of no consequence since the very foundation of his appointment was the fraud, the termination of his services cannot be equated with retrenchment. The Management, thus, has admitted that the workman had served the Management for 240 days. The Counsel for the Management argued that by present reference the workman has raised the claim for the period 1982 to 1984 and since he has raised this claim after a long period of 7 years therefore, his claim is barred by limitation but the Management has nowhere denied that the workman continuously did not made representation to the management against his termination. They admitted that the workman was re-appointed in the year 1989 and the last termination of his services was done in the year 1990. The reference was made by the Management. This order reads that "Services of Surjit Kumar EDDA are hereby dispensed with immediate effect as his past conduct/work while he was working as EDBPN, Lehal-Majra, Khurd, B.O. (Sanghol-S.O.) is found unsatisfactory and he kept the undersign in dark.

From this Order, it is clear that the services of the workman were terminated because his work and conduct was not found satisfactory. The Management in their Written Statement as well as in the affidavit of their witnesses claimed that the workman had embezzle Rs. 23.90 and odd during the period he was working as EDBPM, Lehal Majra. This they came to know in the year 1990. Both the witnesses of the management made contradictory statement in this regard. Mr. J.P. Kalia, claimed that an inquiry was held against the workman, but they did not produce the inquiry report, rather he was not produced for further cross-examination by the workman. Avtar Singh the next witness of the Management categorically admitted that no inquiry was held against the workman now he was charge sheeted, before the termination of his services.

From the pleadings of the parties, it is very clear that the workman had joined services with the Management as an extra-departmental Branch Post Master, Lehal Majra, Khurd in Ludhiana Division of the Post Offices on 15th Feb., 1982 and served them up to 20th Sep., 1984. He again

joined the department as Extra-Department Delivery Agent on 21st Dec., 1988 and worked up to 29th Jan., 1989, when his services were terminated by the Management through Inspector of Post Offices Sub-Division Khanna under his order No. B-5/Surjit Kumar dated 19/20th June, 1990. It is clear from the order of the Management that the services of the workman were terminated for the reason that his work and conduct was not found satisfactory in the capacity of Extra Departmental Post Master, Lehal. As per record the workman had performed that duty during the period 15th Feb., 1982 till 20th Sep., 1984. It is admitted case of the Management that no Departmental Enquiry was held against the workman about the allegation against him that as EDPM Lehal, he had misappropriated Rs. 23.90. It is admitted by the Management that the misappropriation was a temporary misappropriation. The Management has failed to show that before terminating the services of the workman he was given a charge sheet of that misappropriation and he was also provided with sufficient opportunity to defend himself. The record rather speaks that the Management did not hold any inquiry with regard to the allegation of such a misappropriation and the workman, therefore, was terminated from the service without hearing him about the allegation, made basis of termination of his services. It is also difficult to understand what the Management meant by "Temporary Misappropriation" of Government money by the workman. The misappropriation is misappropriation even if it may be for a moment. The interest of natural justice demanded the opportunity being offered to the workman to explain his position. By failing to provide opportunity of being heard to the workman, by the Management, they have violated the principles of natural justice and the order of termination passed thus suffers from illegality and cannot be sustained.

The Management has taken the plea that under Rule 6 of the PNT Extra Departments Agents (Conduct and Service) Rules, 1964 the service of an employee, who renders less than 3 years continuous service from the date of his appointment, could be terminated at any time without notice. When we look at the order of termination, passed against the workman, it shows that it is not a simple order of termination of services, but an order with stigma leveled against the workman that his services could not have been terminated but for his involvement in a case of misappropriation of government money. Therefore, the Management could not exercise powers under Rule 6, referred to above, so as to punish an employee for his misconduct and that too without hearing the employee and taking his explanation. The order of termination also shows that it was passed by an Inspector of Post Offices whereas the appointment of workman was done by other officer. The Management has not explained whether the officer who terminated the services of workman was superior or inferior to the Authority, the order passed is bad in law, illegal and unjustified. Therefore, the order of

termination of services of the workman is cancelled. The workman is treated to be in service right from the day his services were terminated on 20-6-1990 as if there was no order of termination of his services.

The pleadings of the parties show that the Management has not claimed that the workman remained gainfully employed during the period from the date of termination of his services and the day he filed the claim statement, before the Court or thereafter. There is, therefore, no contest about gainful employment of the workman during this period. The order terminating the services of the workman has been declared as bad in law, therefore, the claim for wages naturally flows in favour of the workman. It can however, not be denied that the workman would not have survived without working and earning livelihood for himself and his family. So he seems to have remained employed though not earning sufficiently as he could have earned while in the service of the management. In the circumstances, I hold that the workman is entitled to back wages to the extent of 50%. The Management is directed to take back the workman in the employment on the post he was working at the time of termination of his services. The workman shall further be entitled to all service benefits, he would have earned but for the termination of his services. The reference is answered in these terms. Let a copy of this award be sent to the appropriate Government for necessary act records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3209.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैंटोन्मेन्ट बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 434/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-13012/1/1990-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3209.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 434/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cantonment Board and their workman, which was received by the Central Government on 19-7-2006.

[No. L-13012/1/1990-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****Presiding Officer : Shri KULDIP SINGH****CASE NO. LD. No. 434/2k5-180/1990****Registered on 19-8-2005/18-12-1999****Date of Decision 31-1-2006**

Sh. Mohinder S/o
Sh. Sobram, R/o Cantt.
Board Jalandhar
(Punjab)-144001

... Petitioner

Versus

Executive Officer,
Cantt. Board,
Jalandhar-144001

... Respondent

APPEARANCE

For the Workman : Mr. Krishan Chand

For the Management : Mr. R.P. Goel,
Advocate.**AWARD**

The Govt. of India vide their notification No. L-13012/1/90-IR (DU) dated 9-11-1990 referred the following matter for the adjudication of this Tribunal :

“Whether the action of the Management of Contonment Board, Jalandhar in terminating the services of Sh. Mohinder w.e.f. 25-3-83 is legal and justified? If not, to what relief the concerned workman is entitled and from what date?”

The notice of the reference was given to the parties who appeared through their representatives. The workman filed his claim Petition and the Management filed reply thereto. The workman filed the rejoinder and also his affidavit. The Management filed the affidavit of their Executive Officer. The workman as well as the witness of the Management appeared in the witness box and stood to the cross-examination of the opposite party. The parties have submitted written arguments.

I have perused the file and have also considered the arguments submitted by the parties.

The claim of the workman is that he was appointed by the Management on 15-12-1972 and was later on confirmed in service; that he had unblemished service till 23-11-1981 when he fell ill. The Management passed order dated 25-3-1983 and terminated his services illegally, without following the principle of law and of natural Justice. they violated the provisions of Section -25-F of Industrial Dispute Act, hereinafter to be referred as Act. The workman was neither charge sheeted nor any enquiry was held. He was also not paid any retrenchment compensation. The Management also violated provisions of Sec-25G. The

workman has prayed that an award may be passed on his favour reinstating him in service with all service benefits including continuity of service and back wages.

The claim of the workman has been opposed. It is contended by the Management that the petition is hopelessly time barred and the workman has no *locus standi* to move the present petition. On merit, it is contended that the workman was most irregular and unpunctual in his duties. He used to remain absent from duty without intimation and prior permission; that the workman willfully absented from duty w.e.f. 23-11-1981. He neither informed the Management nor sent any information that the workman shall not be coming on his duty from 23-11-1981. On a report from the sanitary jamadar, the Executive Officer served a notice on the workman dated 9-12-1981, to show cause why disciplinary action be not taken against him. Since the workman had left for abroad, the notice was pasted on his residence on 12-5-1982. He was again served with a registered notice, but that notice was received back with the report that the house is locked. thereafter, notices were issued to the workman by publication in “Daily Ajit” and “Punjab Kesari”, Jalandhar published on 27-5-1982 and 28-5-1982. The workman did not turn up even thereafter. Thereupon the Executive Officer served the chargesheet on the workman on 7-3-1983 and sent the same to him under registered cover, but the same was also received back with the report Left India.” Thereafter an inquiry was conducted on 15-3-1983. On the basis of which the services of the workman were terminated vide order No. 52 dated 25-3-1983. As it was not a case of retrenchment there was no question of paying the compensation to the workman. The Management has denied the rest of the contents of the claim petition and submitted that the petition be dismissed.

The workman in his rejoinder contested that the bar of limitation does not apply and has taken the support of judgement of High Court of Punjab & Haryana passed in the case of Patiala Central Co-operative Bank Ltd. V/s. The Presiding Officer & Others reported as 1990 (II)-RSJ 726. He has also contested that he has no right to maintain this petition. On merits he has denied the assertion of the Management that he was irregular in his duties or that he had ever adverse reports. He has further claimed that he had informed the Management about his illness. He further claims that the termination of services of the workman retrospectively was wrong as is held by the Punjab and Haryana High Court in the case second Appeal No. 2394 of 1989 in the case of Contonment Board, Jalandhar V/s. Kailo Ram. He has claimed that no inquiry was held and his removal was arbitrary. The workman should have been served with show cause notice and the proceedings of the inquiry should have been held, but nothing such was done as was required under the Cantonment Fund Servants Rules 1937. Claiming that the provisions of the Act are applicable to the matter in hand he has submitted that he had not gone out of India. He has again prayed for the relief he has claimed in the statement of claim.

In his affidavit he reiterated all facts stated in the Claim Petition.

In his statement, before this Court, the workman admitted that he had absented from duty w.e.f. 23-11-1981 and he had not moved any application for grant of leave. He had also not made representation against the termination of his services. He denied that he had received any registered notice from the Management on 12-5-1982 or that a notice was pasted on his residence. He also claimed that he had not seen the notice issued against him and published in the "Daily Ajit" and "Punjab Kesari" published on 27th & 28th May, 1982. He also denied having received the charge sheet on 7-3-1983. He further denied any knowledge about the conducting of ex-parte inquiry against him or that he was dismissed on 25-3-1983. He further denied that he had willfully remained absent from today, from 23-11-1981 to 25-3-1983. Mr. K.J.S. Chauhan appeared as a witness of the Management and proved his affidavit Exhibit M-1. He admitted that the workman was a permanent employee governed by the Contonment Service Fund Rules 1937. He claimed that the inquiry was conducted against the workman ex-parte as he had not participated in the inquiry after due notice. The grounds of charge were conveyed to him under registered cover, but the same were received back with the report that the workman is not available in the country. The final order passed by the competent authority was also sent to the workman which too could not be served since he was not available. He further stated that notices to the workman were so published in the national newspapers, but without any result. The workman absented from duty from 23-11-1981 and he was, therefore, dismissed from the day. He admitted that no compensation was paid to that workman under Section 25 of the Act, since the said provision did not apply, that the post of petitioner was pensionable; that he has to check up with the record to find out which officer had conducted the inquiry.

After going through the record I have come to the conclusions that it was a case of abandonment of service by the workman and not a case of retrenchment as is claimed by him. The workman, by his own pleadings, has admitted that he remained absent from duty w.e.f. 23-11-1981; and that he did not move any application for leave to the Management. He further admitted that he did not make any representation against the termination of his services. His claim is that he had not received any notice, sent by registered cover, on 12-5-1982. He also claimed that he had not seen the publication of notice in the newspapers nor he has any knowledge that a notice was pasted on his residence. He further claimed that he was not served with any charge sheet. He even showed his lack of knowledge that he has dismissed from service on 25-3-1983.

The absence from duty of the workman, is the anchor sheet of claim of the Management. They have claimed that the workman last attended to his duties on 23-11-1981 and thereafter he did not turn up. This fact was reported by the Sanitary Jamadar of the Management. The Management sent the grounds of charge to the workman by registered

post but the same were returned since the workman was not available on his last address. The final order passed by the competent authority was also sent and the same also could not be served. The Management has further claimed that the notices to the workman were also got published in the local newspapers in "Daily Ajit" and "Daily Punjab Kesari" but the workman still did not turn up. It was in these circumstances that inquiry against the workman was held in absentia.

The workman has claimed that since he was not keeping well, therefore, he did not attend to his duties after 23-11-1981. He has failed to bring on record any evidence to show that he was suffering from such and such disease. How he got cured and when? Who was the Doctor? Whether he received the treatment privately or in a Govt. Hospital and how long he remained unwell. He has also not claimed nor proved, whether he was all alone when ill or any particular member of his family was with him who was taking care of him during illness. In his statement he admitted that he had not made any application for leave. He has however not shown as to what prevented him from informing the Management that he is not keeping well. He has also not shown whether he remained in his house during the period of his illness or he was away. How it is that even the postal authorities made wrong reporting that the house of workman is locked; that the workman is not available in the country. In the circumstances when the workman was not available, how could the Management serve the charge sheet on him and take his evidence. There is nothing to show that he had evidence with regard to his illness, otherwise he would have produced the same in this Court, showing that during the period he was shown absent from duty, he was ill and the absence was for the reasons beyond his control. The workman has also not shown as to when he came to know about his dismissal and why he did not make representation to the Management and satisfied them about the reason of his absence. On record also I do not find when he approached the Labour Authorities, who recommended his case for a reference which was made in the year 1990. However it can be made out that the workman remained away for years together and it was very late for him to have approached the labour authorities.

I have also gone through the authorities referred to by him in support of his claim. I do not agree with him that the Management did not follow the principles of natural justice before terminating his services. The fact rather show that the Management did its best, by sending notices to the workman under registered cover, by hand, got pasted on his residence that was the last address with the Management and also got the notices published in the National newspapers like "Daily Ajit" and "Daily Punjab Kesari". What else the workman expected the Management to do as he was not available. There is reason in the saying of the management that since the workman was not available in the country, therefore, the inquiry was conducted against him in his absentia.

There is another reason for me to reach to the conclusions I propose to arrive at. The Management has admitted that the workman was a permanent employee and he was governed by Contonment Fund Service Rules 1937. Therefore, he was subject to rule 12-E of the said rules under which the disciplinary authority in the exercise of his powers pass order it deemed fit. The Management has shown that it did its best to serve notices on the workman and when it failed, it decided to terminate his services on the ground that he has abudened service, at his own. I think order passed by the Management is well justified. Since the workman was governed by a statutory rule, therefore, he could not claim relief, under any other provisions. However, the proceeding conducted by the Management was sufficient to satisfy even the provisions of Act. I am, therefore, of the considered opinion that since the workman has abudened his service at his own free will, may be for a better perspective, as is alleged, it cannot be said that the Management failed to follow the provisions of law before terminating his services. The result is that the action of the Management of Contonment Board, Jalandhar in terminating the services of the workman w.e.f. 25-3-1983 was well justified and legal, therefore, the workman is not entitled to any relief. The reference is answered. Let a copy of this award be sent to the appropriate Govt. for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3210.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 690/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-22012/280/1994-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3210.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 690/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Food Corporation of India and their workman, which was received by the Central Government on 19-7-2006.

[No. L-22012/280/1994-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri KULDIP SINGH

Case No. I.D. No. 690/2005

Registered on 21-11-1994

Date of Decision 28-4-2006

Surinder Singh & Ors.

Versus

F.C.I.

APPEARANCE:

For the Workman : Mr. G. C. Gupta

For the Management : Mr. Ravi Kant Sharma,
Advocate.

AWARD

The Government of India, vide their notification No. L-22012/280/94-IR(C-II) dated 9-11-1994 referred the following matter for the adjudication of this Tribunal :

"Whether the action of the Management of FCI, Chandigarh in terminating the services of SI Sh. Surinder Singh son of Sh. Karam Singh, Baldev Singh S/o Sh. Roshan Singh, Krishan Murari S/o Sh. Bodh Raj, Mohinder Singh S/o Megal Singh, Tarsem Singh son of Shri Baohan Singh, Surinder Singh S/o Joginder Singh, Atma Singh and Randhir Singh S/o Sh. Mohinder Singh, Security Guards w.e.f. 15-6-93 is legal and justified? If not, to what relief the concerned workman are entitled and from what date?"

On the receipt of reference the notice thereof was issued to the parties who appeared through their representatives. The workmen filed their statement of claim and the Management their written statement. The workman filed their affidavits whereas the Management filed the affidavit of Bharpur Singh Chahal, their District Manager, as their witness. They also placed on record photo copies of some documents and certified true copy of notice by which the services of the Security Guards posted at Morinda Chamkaur Sahib were terminated w.e.f. 1st of March, 1993 by the Associate (S&S) Detectives SCO 1131, 22-B, Chandigarh. The workman such as Krishan Murari, Randhir Singh, Surinder Singh, Atma Singh, Surmukh Singh, Mohinder Singh, Tarsem Singh, Baldev Singh also appeared as witness whereas Shri B.S. Chahal appeared as witness of the Management.

It may be noticed here that all the workmen filed separate C/Ps and their affidavits. Since the Management did not appear in person or through their counsel/representatives on 26th of October and then on 8th of

November, 2005 and the workers appeared, but their statement could not be recorded for want of presence of Management. It was in these circumstances that the Management was put ex-parte on 11th of November, 2005. The Management even thereafter did not bother to join the proceedings, therefore, the statements of the workmen were recorded on 16th of November, 2005, in the absence of the Management. The Management continues to be absent even thereafter. The workers have filed written arguments, but the Management has opted not to appear. As such the case was reserved for orders on 28th of November, 2005.

It may further be noted here that the appropriate Government has desired to know whether the action of Management of Food Corporation of India, Chandigarh in terminating the services of No. 1. Surinder S/o Karam Singh, 2. Baldev S/o Shri Roshan Singh, 3. Krishan Murari S/o Bodh Raj, 4. Mahender Singh S/o Shri Maghal, 5. Tarsem Singh S/o Shri Bachhan Singh, 6. Surmukh Singh S/o Shri Joginder Singh, 7. Atma Singh S/o Isshar Singh, 8. Mohender Singh and Randhir Singh S/o Shri Mohender Singh, Security Guards with effect from 15th of June, 1993 was legal and justified. If not to what relief the concerned workmen were entitled to and from which date. On a notice issued to the parties the workmen appeared in person and filed the claim petitions. Although the workmen filed separate claim petitions but in substance they have made the same claim except that of their parentage, residence and the date of their appointment with the Management and the facts stated in all the petitions are the same. The Management has also filed only one written statement dated 12th of October, 1995. The workmen individually filed their affidavits in support of their C/P whereas the Management has filed the affidavit of only one witness, Mr. Bharpur Singh Chahal, their District Manager. They have also placed on record the attested copy of notice issued by Associates (S&S) Detectives through Mr. A.S. Nagra. The workmen appeared as a witness but they were not cross-examined by the Management on the date their the statement were recorded. On that day the Management was already ex-parte. However, the Management has produced Mr. B.S. Chahal as their witness in the case who was cross-examined by the workers on 13th of August, 2004.

The claim of the workmen is that they were appointed as Security Guards by the Management. The workers have given different dates of their appointments as mentioned in their statement of claim. According to them they were initially appointed by the Contractor : Associates Security Guards and witnesses Detectives, Chandigarh, and on 20th of February, 1993, the contract between the contractor and the management ended. Thereafter, the workmen were allowed to continue and the workmen served the Management, under their direct control, right from 20th of February 1993, thereby the workmen became the employee of the FCI for all intents and purposes; that the workmen apprehending the danger of their termination from service, by the Management, approached the Punjab and Haryana

High Court, by way of CWP No. 7331 of 1993. The Hon'ble Division Bench issued notice to the Management and directed that the respondents shall not employ fresh persons in place of the petitioners. The Hon'ble High Court dismissed the petition on 20th of October, 1993. The Management did not pay wages to the workmen from 20th of February, 1993 to 20th of October, 1993; that the workmen approached for conciliation proceedings, but the same failed. It is only upon failure report of Conciliation Officer that the matter was referred to this Tribunal. The workmen have alleged that the action of the Management, in terminating the service of the workmen, was arbitrary, discriminatory and violative of principles of natural justice. They have also alleged the violation of Article 14 and 16 of the Indian Constitution and have prayed for their reinstatement in service with full backwages and other consequential reliefs.

The workers have challenged the order of their termination on the grounds that the Contractor who had employed them was not holding valid license under the Contract Labour Regulation and Abolition Act 1970, nor the Management possessed the Registration Certificate. Thus they had no authority to employ the contract labour. The Contractor and principal employer, the respondent, having no authority to employ the contract labour, therefore, the workers became employees of the Management; that on 20th of February, 1993 whatever relation the workers had with the Contractor, through whom they had joined service with the Management, ended on 20th of February, 1993 when the Contractor withdrew his engagement with the Management. Thereafter, the workmen came under the direct employment of the Management. Put together the workmen served the Management for 240 days. The Management, however, did not comply with the provisions of the labour laws nor they served any notice to the workmen before terminating their services. They also did not pay any compensation to the workmen. Thus the termination of services of the workmen was bad in law. The workmen have also claimed that the Management terminated the service of the workmen so as to recruit their own men. That the work for which they were engaged still exists and the Management has resorted to unfair labour practice and victimized the workmen; that the workmen are still un-employed. The workmen have further claimed that they are without job right from the date of termination of their services and have prayed for declaring the termination of services of applicants illegal and the workmen entitled to re-instatement with full backwages and interest.

The Management has filed a combined W/S and has taken the same stand to oppose the claim of the workmen. It is admitted by them that the workmen were initially appointed as Security Guards by Associates Security Guards and Service Detectives, Chandigarh. Denying that the contract between the Contractor was terminated on 20th of February 1993, it is stated by the Management that it was Contractor who had shown his inability to continue with the work after 28th of February, 1993 and thereby unilaterally determined the contract. It

was in those circumstances that the workmen were asked to continue working for the Corporation till 15th of June 1993. The workers therefore, served the Management for 107 days meanwhile the High Court of Punjab and Haryana directed the Management not to employ fresh persons in place of the petitioners. The Management complied with the directions of the Hon'ble High Court. According to their record the workmen did not serve the Management for 240 days. The Contractor of the workers was paid by the Management for full period of engagement of the workmen till 28th of February, 1993. They denied that the workmen had served the Management till 20th of October, 1993. Whatever wages the workmen were due, were paid and because of that the case under the Payment of Wages Act, filed by the workers, was dismissed. The Management has also denied that the workmen were discriminated in any manner. As such they are not entitled to re-instatement and back wages.

In reply to the paras of the claim statement it is stated by the Management that the law referred to by the workers has been interpreted wrongly. The violation of provisions of Contract Labour (Regulation and Abolition) Act at the best can invite legal action against the violator and it cannot support the case of the workers. They have further claimed that since the workers had served the Management for 240 days continuously, in 12 calendar month, preceding the date of their termination, therefore, they are not entitled to any compensation. It is also stated by them that the Management did not recruit any Security Guard in place of the 8 Security Guards, therefore, there did not arise a question of unfair labour practice, followed by the Management. The Management denied the assertions, made in other paras of the C/P and submitted that the workers are not entitled to any relief as they did not serve the Management for 240 days directly, so they are not entitled to the relief reinstatement in service and back wages.

I have gone through the file and have also considered the submission made by the parties.

From the pleadings of the parties the admitted facts which emerges out are that the workmen had been engaged by the Management to work as Security Guards through a Contractor named as Associates Security and Service Detectives, Chandigarh. It is also admitted by the Management that the workers had worked for the Management directly from 1st of March, 1993 till 15th of June, 1993, that is, for 107 days. There is dispute between the parties whether the workmen had also worked for the Management from 20th of February, 1993 to 28th of February, 1993. The Management has claimed that as per their record the workmen had worked for the Management as the workers of the Contractor and he was paid by the Management for providing Security Guards till 28th of February, 1993.

The main claim of the workmen is that initially they were engaged by the Contractor Associates Security Guards and Service Detectives, Chandigarh, and were provided to the Management for working as Security Guards but they all along remained the employees of the Management for the reason that the Contractor, who had engaged them initially, did not possess license to engage labour as was required under Section 12 of the Labour Contract (Regulation and Abolition) Act. Moreover, the Management was also not possessing the license to recruit the workers for executing their works. Since both the Contractor and the Management were not holding valid licenses, therefore, the workmen all through were the workers of the Management. They have taken the support of a judgment reported as 1987 Volume 11 SLR page 678, passed by the Punjab and Haryana High Court. As against to it the Management has nowhere claimed that the workers were provided to them by Contractor who was holding valid registration certificate issued under Section 7 of the Contract Labour Act, and that they, themselves, as principal employer, had obtained the registration certificate under Section 8 of the said Act. Therefore, they were legally entitled to employ contract labour in their establishment.

I have gone through the authority referred to by the workers (supra). Their Lordships of the Punjab and Haryana High Court in the said judgment have laid down as under :—

"Every worker, in our view, who works for a principal employer to whom the provisions of Contract Labour Act are attracted, is to be treated as the worker for the principal employer unless two conditions are satisfied :—

- (i) that the establishment had secured a certificate of the registration for the relevant period; and
- (ii) it had employed contract labour through a licensed contractor.

If either of the conditions is missing then the contract labour employed through the contractor shall be treated to be the "worker" of the employer.

On the other hand the Allahabad High Court in the case of Arvind Kumar Avasthi and Ors. Vs. State Bank of India and Ors. reported as 2003 (99) FLR 557 and 2003(3) CLR 1007, has laid down that "The controversy raised in the two petitions stand concluded against the petitioner by ratio of the said judgments of the Apex Court in the case of Steel Authority of India and even in case of valid abolition of contract labour, the question of absorption would not arise and even in case of failure to follow the requirement of Sections 7 to 12 of the Contract Labour (Regulation and Abolition) Act, 1971, would not create, a permanent direct relationship of master and servant between the principal employer and the contract labour. At

the most, non-compliance would make the principal employer and the contractor liable for action under the Act". The Judgment in the case of FCI Vs. Presiding Officer CGIT Chandigarh reported as 1987 (2) SLR was considered in a subsequent judgment by a Bench of same strength in the case of Gian Singh and Ors. Vs. Senior Regional Manager, FCI, Chandigarh reported as (1992) 1 ILR Punjab and Haryana 54. Their Lordships in para 16 of the judgment held that in the case of Food Corporation of India Haryana Region vs. Presiding Officer CGIT and another reported as 1987 (2) SLR 678, the law laid by the Supreme Court in the cases of Food Corporation of India Workers Union vs. Food Corporation of India and Ors. reported as AIR 1985 Supreme Court 488 and B.H.E.L. Workers Association Haridwar and Ors. Vs. Union of India and Ors. reported as AIR 1985 Supreme Court 409 was not noticed by the Division Bench. Otherwise also one of the judges who was a member of the earlier Division Bench has dismissed writ petition against which the LPA which came for consideration before the subsequent Division Bench of Punjab and Haryana High Court.

In view of the law laid down by the Apex Court of the country in the case of Steel Authority of India Limited and another vs. National Union Water Front Workers and Ors. reported as 2001 LLR 961 and the earlier judgment referred to above the claim made by the workers does not hold good. By their own pleadings the workers have admitted that they had joined service with the Management through Contractor and they worked for the Management directly from 20th of February, 1993 to 15th of June, 1993. According to their own claim they worked for the Management for 115 days though the Management's claim is that the workers had worked for them only for 107 days. The claim of the workmen that by virtue of the implication of provisions of Labour Contract (Regulation and Abolition) Act, the workers became the employees of the Management automatically since they did not comply with the requirement of provisions of the Act, that is, the Management had not secured certificate of registration for relevant period and they did engage workers through unlicensed contractor. The Apex Court in the case of Steel Authority of India (supra) has clarified that the Contractor as well as the Management might have violated the provisions of Section 7 and 12 of the Contract Labour (Regulation and Abolition) Act, 1971, but that does not create a permanent direct relationship of master and servant between the parties. According to them non-compliance of the provisions of Contract Labour (Regulation and Abolition) Act may make the principal employer and the Contractor liable for action under the said Act.

After going through the pleadings of the parties and the evidence available on record I am of the opinion that the Management did not commit any violation of Industrial Disputes Act, 1947 when they terminated the service of the workmen on 15th of June, 1993 as the workmen had not

gained the status of a 'workmen' having not worked for the Management for 240 days preceding twelve calendar months so as to gain the benefits as provided by the Industrial Dispute Act, more specifically by Section 25 of the said Act. In view of it the workmen are not entitled to any relief. The award is passed in these terms. Let a copy of this award be sent to the appropriate Government for necessary action and file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3211.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 996/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-22012/223/2000-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3211.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 996/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Chandigarh as shown in the Annexure in the industrial Dispute between the employers in relation to the management of Food Corporation of India and their workman, which was received by the Central Government on 19-7-2006.

[No. L-22012/223/2000-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

PRESIDING OFFICER: Shri Kuldip Singh

Case No. I.D. No. 996/2005

Registered on 16-09-2005

Date of Decision 11-05-2006

Ajit Singh

Versus

F.C.I.

APPEARANCE:

For the Workman : Nemo

For the Management : Mr. N.K. Zakhmi,
Advocate

AWARD

The Government of India, vide notification No. L-22012/223/2000-IR(C-II) dated 14-06-2001 referred the following matter for the adjudication of this Tribunal :

“Whether the action of the Management of FCI in terminating the services of Sh. Ajit Singh S/o Sh. Buta Singh is legal and justified? If not, to what relief the workman is entitled to?”

The notice of reference was given to the parties who appeared through their representatives, but the workman did not file the claim petition for a number of dates. The management filed the Written Statement on 2nd of September, 2002 although the workman had not filed the Claim Petition by then. The position did not improve and the workman did not file the Claim Petition although the management filed the affidavit of their one witness in support of the written statement. The Court issued a number of notices to the workman and some of the same were received back un-served. On record there is no authority of workman in favour of his representative to show that the representative, who appeared for the workman had the authority to appear. The notices issued by this court were sent on the address given in the notification referred to the above and the workman had not been served on that address. There is no other address available in the file on which the workman could be served. It is in these circumstances that the reference is being answered on the basis of evidence available on the record.

The Govt. of India has desired to know whether the termination of services of Sh. Ajit Singh S/o Sh. Buta Singh, the workman, by the management of FCI is legal and justified? If not, to what relief the workman is entitled to? As stated earlier the workman has not come forward to submit his claim. As against to it the management has filed written statement on behalf of the management thereby they have submitted that the claim of the workman is not maintainable since he was never employed by the management. The management had entered into agreement with a third party to provide watch and ward to the management in its depots. In the light of the judgment of the Supreme Court in the case of Steel Authority of India and others V/s. National Union Water Front Workers and others, the workman if employed by a contractor could not be absorbed in the establishment as a regular employee. Thus the claim is not maintainable. It is also claimed by them that since the workman has not impleaded the contractor as a party therefore, the claim is not maintainable for non-joinder of necessary parties.

On merit it is claimed by the management that the workman was never employed by the management nor the Management has the knowledge that he was engaged by the contractor. Thus the question of termination of his services never arose. Admitting that special police officer were deployed through the Director General of Police, Punjab in the depots of the management, it is submitted that the reference made is misconceived, without cause of action is therefore be rejected. The management has supported their claim by the affidavit of their Joint Manager.

As stated earlier the workman has not come forwarded to make his claim in reference to the notification made by the Govt. of India. He has also not placed on record any proof to support his claim that the termination of his services by the management was at all there and the same was illegal and unjustified. I, therefore, do not find any evidence on record to hold that the workman was employed by the management and that his services were terminated by the management illegally and in-violation of provisions of Industrial Disputes Act. Therefore, the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to appropriate Govt. for necessary action and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3212.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 995/2005) प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-22012/224/2000-आईआर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3212.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 995/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Food Corporation of India and their workman, which was received by the Central Government on 19-7-2006.

[No. L-22012/224/2000-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****SHRI KULDIP SINGH, Presiding Officer****I.D. No. 995/2005****Registered on 16-09-2005****Date of Decision 11-5-2006**

Harnek Singh

Versus

F.C.I.

APPEARANCE:

For the Workman : Nemo

For the Management : Mr. N.K. Zakhmi,
Advocate**AWARD**

The Government of India, *vide* their notification No. L-22012/224/2000-IR(C-II) dated 14-06-2001 referred the following matter for the adjudication of this Tribunal:

“Whether the action of the Management of FCI in terminating the services of Sh. Harnek Singh S/o Sh. Banta Singh is legal and justified? If not, to what relief the workman is entitled to?”

The notice of reference was given to the parties who appeared through their representatives. The workman filed the claim petition dated 24-08-2001 to which the management filed W/s on 2-9-2002. The workman filed an affidavit in support of his claim whereas the management filed the affidavit of Sh. F.A. Khan, their Joint Manager. Thereafter, the workman stopped coming to the court. The record of file shows that the workman never appeared in the court in person nor even to file the authority letter of his representative. It was his representative, Ram Jit Singh who filed the c./p. for him.

The court issued a number of notices to the workman. One notice was also sent under registered cover and none of the notices were received back unserved and nor the workman appeared in the case. The court has come to the conclusions that the notices were received by the workman, but he seems to have no interest to prosecute his claim.

In the c/p the workman submitted that he had been employed by the management through a contractor and he served them for 7 years and 24 days; that the management

terminated his services without any notice, charge sheet, enquiry and also did not pay the compensation. Thus the action of the management is illegal and unjustified. He has prayed that he may be given his duty like the new hands employed by them and also be paid the back wages.

The Govt. of India has desired to know whether the termination of services of Sh. Harnek Singh S/o Sh. Banta Singh, the workman, by the management of FCI is legal and justified? If not, to what relief the workman is entitled to? The management has filed written statement on behalf of the management whereby they have submitted that the claim of the workman is not maintainable since he was never employed by the Management. The management had entered into agreement with a third party to provide watch & ward to the management in its depots. In the light of the judgment of the Supreme Court, in the case of Steel Authority of India & others V/s. National Union Water Front Workers & others, the workman if employed by a contractor could not be absorbed in the establishment as a regular employee. Thus the claim is not maintainable. It is also claimed by them that since the workman has not impleaded the contractor as a party therefore, the claim is not maintainable for non-joinder of necessary parties.

On merit it is claimed by the management that the workman was never employed by the management nor the management has the knowledge that he was engaged by the contractor. Thus the question of termination of his services never arose. Admitting that special police officers were deployed through the Director General of Police, Punjab in the depots of the management, it is submitted that the reference made is misconceived, without cause of action, is, therefore, be rejected. The management has supported their claim by the affidavit of their Joint Manager.

As stated earlier the workman has not produced any evidence to support his claim. So much so he has not come in the witness box to stand to cross-examination of the management. Therefore, the claim of the workman has remained only on paper unsupported by any proof. He has therefore, failed to show that he was employed by the management; that his services were terminated by the management illegally and in violation of provisions of Industrial Disputes Act. Therefore, the workman is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to appropriate to Govt. for necessary action and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3213.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 817/2K5) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/307/2003-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3213.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 817/2K5) of the Central Government Industrial Tribunal-cum-Labour Court, No.-2, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Central Public Works Department, and their workmen, received by the Central Government on 19-7-2006.

[No. L-42012/307/2003-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri KULDIP SINGH

CASE No. I.D. No. 817/2005

Registered on 8-9-2005-14-9-2004.

Date of Decision 6-7-2006.

The zonal secretary, all India CPWD (MRM) Karamchari Sangthan, CPWD store Building, Sector-7-B, Chandigarh

....Petitioner

Versus

The Executive Engineer, CPWD Chandigarh Central Electrical Division, Kendriya Sadan, Sector-9-A, Chandigarh

....Petitioner

APPEARANCE:

For the Workman : Nemo

For the Management : Mr. G. C. Babbar,
Advocate.

AWARD

The workman is not present. He was summoned by a notice sent under R/C postal receipt No. 815 dated

26th May, 2006. The statutory period is over to presume the service of the workman but the workman is not present nor the notice sent under R/C has been received back. The Zonal Secretary All India CPWD (MRM) Karamchari Sangthan Chandigarh, Mr. Raj Kumar is present. He states that the workman is not interested to prosecute his claim. It was in presence of the Zonal Secretary that the representative of the workman reported that he has no instructions to appear in the case. The workman also failed to comply with the directions issued on 15th March, 2006. From all this, the court is satisfied that the workman and for that matter the petitioners are not interested to prosecute their claim which is subject matter of reference No. L-42012/307/2003 IR (C-II) dated 23-8-2004 sent to this tribunal.

The workman filed C/P to which the Management filed the reply denying the claim of the workman in toto. The workman filed the rejoinder and also placed on record his affidavit besides the photocopies of some documents. The Management also filed the affidavit of their witness. The case was at the stage of evidence of the workman when he has chosen not to appear and prosecute case. As stated earlier his representatives has also shown no instructions and the Zonal Secretary of his Union has stated that the workman is not interested to prosecute the case. In the circumstances the pleadings of the parties have not been proved and the evidence in the shape of affidavits has remained untested on the touch stone of the cross-examination of the other side. On record there is no evidence to show that the workman Sunil Kumar was in fact, employed by the Management directly and the contract between the Management and the workman was a sham transaction and the demand of the workman for regularizing his services was legal and justified. In fact, there is no evidence to show that the workman had worked for the management, therefore, he is entitled for regularization under rules. For these reasons the workman is not entitled to any relief. The reference is answered in these words.

Let a copy of this award be sent to the appropriate Govt. for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3214.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल इन्स्टीट्यूट फॉर रिसर्च आन बफैलोच, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1114/2K5) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/14/2002-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3214.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 1114/2K5 of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Central Institute for Research on Buffaloes, and their workmen, received by the Central Government on 19-7-2006.

[No. L-42012/14/2002-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer: Shri KULDIP SINGH

Case No. I.D. No. 1114/2K5

Registered on 22-9-2005.

Date of Decision 8-6-2006.

Sanjay Kumar S/o Sh. Harphool Singh, Vill & P.O. Dhani,
Kutubpur, The Hansi, Distt, Hissar

.....Petitioner

Versus

Department of Agri. Research & Education ICAR,
Krishi Bhawan, New Delhi-110001

.....Respondent

APPEARANCE:

For the Workman : Mr. N. K. Jeet

For the Management Mr. G. C. Babbar,
Advocate.

AWARD

The workman is not present. In fact, he has never appeared in person in these proceedings right from the year 2002. After the case was transferred to this Court fresh notice was given to the workman under Registered Cover *vide* Court order dated 17th December, 2005. Neither the workman appeared on the date fixed nor the registered cover carrying the notice was received back even after the expiry of statutory period. He also did not file the Claim Petition. The court still waited for him and the matter was listed for 18th April, 2006 on which day a request was received on behalf of the Counsel of the workman Dr. Deipa Singh, Advocate for adjournment. Today neither the workman nor his Counsel is present. The Management appears though D.R. Sharma, Advocate although he has not filed the letter of authority on behalf of the Management. The Court is therefore, satisfied that the workman is not interested to prosecute his case.

The Government of India *vide* notification No. L-14012/14/2002/IR(C-II)] dated 12th August, 2002 desired to know whether the action of the Management of Central institute for Research on Buffaloes, Hissar in terminating the services of Sh. Sanjay, a daily wages Chowkidar w.e.f. 28th March, 1998 was justified & legal? If not, to what relief the workman was entitled to.

It has been noted earlier that the workman has not cooperated in the trial of this reference. He never appeared nor filed his Claim Petition. He has also not produced any evidence in support of his claim made part of the reference. This Tribunal is therefore, not in a position to answer the reference on merit. For want of evidence it cannot be said that there was termination of services of workman by the Management on 28th March 1998 and the said termination was justified and illegal. The reference is answered in these words. Let a copy of this award be sent to the appropriate Government for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3215.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 7/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-22012/72/2002-आईआर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3215.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 7/2003 of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the management of Ambara Colliery of WCL, and their workman, which was received by the Central Government on 19-7-2006.

[No. L-22012/72/2002-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR**

PRESENT: SHRI A. N. YADAV, Presiding Officer.

CGIT/NGP/07/2003

Date: 5-7-2006

Shri Jeewanlal Aherwar

.....Petitioner

Vs.

The Manager,
Ambara Colliery of WCL.

.....Respondent

AWARD

Delivered on this 5th, day of July, 2006.

The Central Government satisfying the existence of Industrial Dispute between the employer in relation to the management of Western Coalfields Ltd., Palachourai Area and their workman, Shri Jeewanlal Aherwar directed this Tribunal under section 10 of Industrial Dispute Act to adjudicate the said dispute with the following schedule under order No. L-22012/72/2002-IR (C-II) dt. 4-10-2002.

"Whether the action of the Manager Ambara Colliery of WCL P.O. Palachourai Distt. Chhindwara in not correcting the date of birth of Shri Jeewanlal Aherwar Clerk to 28-8-1951 is justified? If not, to what relief is the workman entitled?"

It seems that there were disputes regarding the correction of date of birth for which the Ministry has referred this dispute to this Tribunal. Despite of the notice applicant, Party No. 2 or his counsel did not appear and filed Statement of Claim. On behalf of Party No. 1, Management, Written Statement is filed along with some documents. Since the workman, Party No. 2 is not attending the Tribunal nor filing any Statement of Claim, indicates that he is not interested in prosecuting the dispute. The reference is very old and nobody even on either side is attending the Tribunal lead to conclude that they are interested because now there are no disputes consequently the claim is disposed of with the remarks that now there are no disputes and passed no disputes Award.

No order to cost.

A. N. YADAV, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3216.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 4/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-22012/71/2002-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3216.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial

Dispute between the management of Western Coalfields Limited, Kanhan Area and their workman, which was received by the Central Government on 19-7-2006.

[No. L-22012/71/2002-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR**

Present : Shri A. N. YADAV, Presiding Officer

Case No. CGIT/NGP/04/2003

Date : 5-7-2006

Shri Sukhanandan Pawar.

...Petitioner

Versus

The C.G.M., WCL,
Kanhan Area.

...Respondent

AWARD

Delivered on this 5th day of July, 2006.

The Central Government satisfying the existence of Industrial Dispute between the employer in relation to the management of Western Coalfields Ltd., Kanhan Area and their workman, Shri Sukhanandan Pawar directed this Tribunal under section 10 of Industrial Dispute Act to adjudicate the said dispute with the following schedule under order No. L-22012/71/2002-IR (C-II) dt. 4-10-2002.

"Whether the action of the Management Ambara Colliery is not accepting the date of birth of Shri Sukhanandan Pawar as 7-12-55 is justified? If not, to what relief is the workman entitled?"

It seems that there were disputes regarding the correction of date of birth for which the Ministry has referred this dispute to this Tribunal. Despite of the notice either applicant, Party No. 2, or his counsel did not appear and filed Statement of Claim. On behalf of Party No. 1, Management, a Vakalatnama of Smt. Indira Nair, Rajendra Menon, A.K. Sasidharan is filed. Since the workman, Party No. 2 is not attending the Tribunal nor filing Statement of Claim, indicates that he is not interested in prosecuting the dispute. The reference is very old and nobody even on either side is attending the Tribunal lead to conclude that they are not interested because now there are no disputes consequently the claim is disposed of with the remarks that now there are no disputes. Hence this no disputes Award.

No order to cost.

A. N. YADAV, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3217.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 197/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-22012/240/2001-आईआर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3217.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 197/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Western Coalfields Ltd., and their workman, which was received by the Central Government on 19-7-2006.

[No. L-22012/240/2001-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

Present : Shri A. N. YADAV, Presiding Officer

Case No. CGIT/NGP/197/2002

Date : 5-7-2006

Shri Om Prakash S/o Ramkrishna

...Petitioner

Versus

The Western Coalfields Ltd.

...Respondent

AWARD

Delivered on this 5th day of July, 2006.

The Central Government satisfying the existence of Industrial Dispute between the employer in relation to the Management of Western Coalfields Ltd., Pench Area and their workman, Shri Om Prakash S/o Shri Ramkrishna directed this Tribunal under section 10 of Industrial Dispute Act to adjudicate the said dispute with the following schedule under order No. L-22012/240/2001-IR (C-II) dt. 12-9-2002.

"Whether the action of the Management W.C. Ltd. Pench Area, PO Parasia, Distt. Chhindwara (M.P.) in not providing the job to Shri Om Prakash S/o Shri Ramkrishna, Son-in-law of Late Shri Shivdarshan Dubey is legal and justified? If not, to what relief is the workman is entitled to?"

On receipt of the disputes, the Tribunal issued notice to both the parties after registering the reference. The applicant Kamladevi appeared through her counsel Shri Manish S. Gupta, Advocate and C.N. Deshpande, Advocate. She sought the time for filing the Statement of Claim and documents. However subsequently nobody turned up and file the Statement of Claim. Similarly on behalf of Management, Party No. 1, a Vakalatnama of the Advocate Shri P. Sadasivan Nair has been filed but he also did not turn later on. Right from February 2003 nobody appear in this dispute. I do not think that the claimant is anyway interested in continuing the claim, hence the claim is disposed of for the absence of the workman, Party No. 2 and declared that there remained no dispute between the Party No. 1 and 2. Hence this no dispute Award.

No order to cost.

A. N. YADAV, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3218.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एकाऊटेन्ट जनरल (ए एण्ड ई) के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 95/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/205/1999-आईआर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3218.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 95/2001) of the Central Government Industrial tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the Employer in relation to the Management of Accountant General (A&E) and their workman, which was received by the Central Government on 19-7-2006.

[No. L-42012/205/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

Presiding Officer : Shri Kuldeep Singh

CASE No. I.D. No. 95/2001

Sh. Ram Kewal Maur, S/o Sh. Ram Narain Maur
R/o H. No. 737, Sector-8,
Chandigarh.

...Applicant

Versus

Accountant General (A. & E.),
Legal Cell Section,
Punjab, Sector-17,
Chandigarh.

...Respondent

APPEARANCE:

For the Workman : None
For the Management : Sh. I.S. Sidhu

AWARD

Passed on 5-7-2006

Central Govt. vide No. L-42012/205/99/IR/(DU) dated 22-03-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Accountant General (A&E) Punjab, Chandigarh in terminating the services of Shri Ram Kewal Maur w.e.f. 6-7-1997 is legal and justified ? If not, to what relief the workman is entitled ?”

2. None appeared on behalf of the workman despite repeated calls. The learned counsel for the management requested for dismissing the reference and send back to Ministry as workman is not interested as several times court notice was issued to the workman. In view of the above and perusal of court notices issued to the workman and reports showing that workman is not living on the address given and not appearing. Perhaps he is not interested in this case to pursue. Hence as workman or his advocate not appearing and not taking interest, he appears not interested. The present reference is thus returned to the Central Government for want of prosecution. Central Government be informed, file be consigned to record.

Chandigarh.

5-7-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3219.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 82/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/244/1997-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3219.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 82/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of State Bank of India and their workman, which was received by the Central Government on 19-7-2006.

[No. L-12012/244/1997-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
AHMEDABAD**

PRESENT: Shri B.I. KAZI, (B.Sc., L.L.M) Presiding Officer

**INDUSTRIAL DISPUTE (REFERENCE C.G.L.T.A.)
No. 82/04.**

OLD (I.T.C.) NO. 37/1998

The Deputy General Manager (Admn.)
State Bank of India, Zonal Office
Gandhinagar 382010
(Gujarat)

.....First party

V/s.

Shri Rajendra R. Datania

Anandbhavan Tenament,

I. O. C. Road,

Chendkheda, Gandhinagar

.....Second Party

APPEARANCE:

First Party : Shri B. K. Oza

Second Party : Shri N. U. Bhatt.

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/244/97-IR (B.I) dated. 05-06-1990 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

“Whether the action of the management of State Bank of India Z. O., Gandhinagar, is justified in terminating the service of Sh. Rajendra R. Datania, Clerk, Gandhinagar vide order dated 10-07-1996. If not, what relief the workman concerned is entitled to?”

2. A notice was issued to the parties to file their claims. The Second party has filed the statement of claim by Ex. 6. The first party has filed the written statement by Ex. 7. However, the proper opportunity was given by this tribunal to prove his case to the second party. The second party failed to prove his case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove his case. Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of State Bank of India Z.O., Gandhinagar is just in terminating the service of Sh. Rajendra R. Datania, Clerk, Gandhinagar vide Order dated 10-07-1996. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No Order as to cost.

Date 09-03-06

Ahmedabad.

B. I. KAZI, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3220.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, यूको बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 130/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/82/2001-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 19th July, 2006

S.O. 3220.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 130/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of UCO Bank and their workmen, which was received by the Central Government on 18-7-2006.

[No. L-12012/82/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT: SHRIKANT SHUKLA, Presiding Officer

I.D. No. 130/2001

Ref. No. L-12012/82/2001-IR (B-II)

Dt. 23-8-2001

BETWEEN

Sh. Vakeel Prasad

S/o Sh. Umedi Das

Through Sh. Teeka Ram

E-5327 Rajaji Puram

Lucknow (U.P.) 226001

AND

The Regional Manager

UCO Bank

Zonal Office,

23 Vidhan Sabha Marg

Lucknow (U.P.) 226001

AWARD

1. The Government of India, Ministry of Labour, New Delhi referred the following dispute No. L-12012/82/2001-IR (B-II) dated 23-8-2001 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow.

"Whether it is fact that the disputant Shri Vakeel Prasad was employed as a class IV Staff during the period from 1989 to 8-5-97 by the Management of UCO Bank Zonal Office Lucknow? If so, whether the action of this Management to terminate the disputant w.e.f. 8-5-97 is legal and justified. If not justified what relief is the disputant concerned entitled to?"

Worker's case in brief is that he was employed as class IV category water man w.e.f. 26-6-89 and he was paid salary @ Rs. 35/- per day. It is alleged that he was terminated on 8-5-97 without any reasons, notice, notice pay and compensation. At the time of termination, it is alleged that he was working at UCO Bank Naka Hindola Branch, Lucknow. It is further alleged that his termination is in violation of Section 25F of the I. D. Act. Worker represented against the said termination but the management of bank did not reply. Worker has therefore prayed for reinstatement with continuity of service and back wages.

The opposite party has filed written statement denying that the worker was ever employed as class IV employee in the bank. It is submitted that there was no vacancy of any class IV employee in the bank. It is also submitted that the management of the bank can not recruit any person on the vacant post without complying the directions as contained in the letter dt. 16-12-97 of Reserve Bank of India. As the matter of fact the worker has been engaged in the Branch Naka Hindola of the Bank for 2 hours a day for bringing water and putting them in the pot and for this he was being paid proper remuneration. It is denied that the worker ever worked on the post of peon. It is also denied that the worker ever signed muster roll. There was no fixed timing for the performance of the work and therefore the worker Vakeel Prasad does not come under the category of workman. It is also denied that the worker was paid at the end of the month. Worker's name was not entered into the table of the salary of the employees of the bank as he was not a regular employee of the bank nor he was ever recruited as such. The management of the bank has also not admitted that the worker continuously worked for 240 days. It is also denied that the employer has ever flouted the provision contained under Section 25 F of the I.D. Act.

The worker has filed rejoinder wherein he has reiterated the facts stated in claim statement. He has reiterated that he was working on the post of class IV of the bank since 26-6-89 and thereafter the worker continued to work for years. It is further reiterated that he was on the post of water man and therefore there is no question of applicability of any rules of his appointment. Worker has denied that he was bringing water and putting in the pot only instead he has alleged that he was deployed for many other purposes such as he was sent for getting clearance from Head Office carrying voucher at the counter and supplying token carrying the registered post to post office

and he worked for 8 hours a day. It is also stated that task of class IV employee was taken from him. It is denied that he was part time labour. He has admitted that he was paid on the voucher. Worker has also alleged that he worked for 240 days prior to the termination within 12 calendar months. Worker has alleged that he is still unemployed and no notice of termination etc. was given to him.

The worker has filed photocopies of the following documents;

1. Letter of Manager, Naka Hindola of UCO bank addressed to Hajratganj, Lucknow regarding clearing of the cheques dt. 4-5-92.
2. Details of the break up engagement of the worker upto the year 1993.
3. Proforma showing 1153 days work by worker Vakeel Prasad purported to have been signed by Sr. Manager.
4. Communication purported to be send by UCO D.IV. from Sr. Manager, Naka Hindola with regard to engagement of water boy on daily wage basis.
5. The Letter No. NH/549/94-95 dtd. 20-1-95 of Sr. Manager UCO Bank Naka Hindola to Divisional Office, Lucknow regarding deployment of the casual labour and not water boy.
6. Letter of Sr. Manager UCO bank which is not legible dtd. 21-6-95.
7. Representation of the worker dtd. 19-6-2000 and 7-8-2000 alongwith postal receipt.
8. Letter of Sr. Manager dtd. 27-4-2000 asking Rajendra Kumar to present himself for providing water on casual basis.

The management of the bank has filed photocopies of the following documents;

1. Details of the payment made to the worker for which the worker has been paid.

Worker has examined himself.

Opposite party examined Sri Ram Janam Vishkarma..

The worker requested the court vide his application paper No. 18 C that the management of the bank be directed to produce following documents:

- (Aa) Letter of UCO Bank, Naka Hindola No. NH/549/94-95 dtd. 24-1-95 of Manager address to Div. Lucknow regarding appointment of casual labours alongwith the report.
- (Ba) The report of the working of the casual labour for the period 12-10-89 to 31-12-93.
- (Sa) The summary report of the casual labour from the period 1-1-94 to 7-7-94.
- (Da) Attendance register and disbursement of the salary and vouchers for the period 1989-97.

The opposite party filed objection C-21 submitted that the documents at Sl. No. Aa and Ba have already been filed by the workman with his statement of claim and about documents Sa the management of the bank stated that such statement/report never been submitted to the Regional Office. It is also submitted that document at Sl. No. Da of the application is not available with the bank since no

register of the casual labour are being maintained.

On 30-7-03 the court ordered that the documents at Sl. No. Aa, Ba and Ca be filed and if the same is not available and affidavit be filed by the opposite party of Branch Manager. Worker's representative admitted that there is no attendance register in the bank maintained for the worker and he was paid wages on vouchers. Therefore, attendance register was not summoned.

The witness of the opposite party Sri R. J. Vishkarma has admitted paper No. 4/9 and 4/10 which are as follows :

1. Letter 4-1-95 is addressed to Div. Office, Lucknow Divn. by the Sr. Manager UCO Bank for Naka Hindola informing Divisional Office that Vakeel Prasad has not been engaged as water boy instead he was engaged as casual worker for full days work and they have been discharging normal duties in the subordinate cadre. This is also written in the same letter that same in response to letter No. OM/SF/94/8902 dtd. 21-9-94.

2. The document which is admitted paper No. 4/10 which is information relating to casual worker in Naka Hindola branch of UCO Bank as on 31-12-95. Showing worker Vakeel Prasad has worked on 1153 days further mentioning sheet attached.

Heard representative of the parties and perused envolume on record.

The issue can be split up as follows :

1. Whether it is a fact that disputant Vakeel Prasad was employed as class IV staff during the period 89 to 8-5-97 by the management of UCO Bank Zonal Office, Lucknow?
2. If so whether the action of the management to terminate the disputant w.e.f. 18-5-97 is legal and justified?

No appointment letter or termination letter has been filed by the worker to prove that he was employed as class IV employee by the management of the Bank.

The worker in his statement of claim para I has written that he was employed as chaturth shreni water man. It is not mentioned that he was appointed on the post of Class IV category. It is also not mentioned that he was appointed by the competent authority of the bank. It is mentioned in para 4 of the statement of claim that he was paid Rs. 35 per day meaning thereby he was daily rated workman. Worker has not admitted in the statement of claim that he was casual labour. From the statement filed by the worker himself it transpires that in the year 89 he has worked for 160 days and 247 days in 1990, 226 days in 1991 and 234 days in 1992 and 190 days in 1993 which indicates that he is not regular employee but a casual employee. It is noteworthy that November, 1993 the worker was not engaged for a single day. Similarly in August and Oct. 1991 he was not engaged he was also not engaged in February, and September, 1992.

The worker has himself in the cross examination that he was not given any appointment letter instead he was orally engaged. There is no termination letter as well. It appears from the Paper No. 4/8 filed by the workman that Divn. Office of the management was not happy engaging the workman as water boy. That is why the Divn. Office

sent a post gram asking that worker are not engaged as water boy on daily wage basis and according Sr. Manager of UCO Bank Naka Hindola branch informed by the letter paper No. 4/9 that the worker were engaged for full day work and they have been discharging the duties of the subordinate cadre Paper No. 4/9 and 4/10 also shows that the worker was a casual worker and not a regular employee of the bank therefore I come to the conclusion that Vakeel Prasad was not a regular class IV staff appointed by the Management of the bank as alleged by him.

Now the question is if the worker Vakeel Prasad was a casual worker therefore whether he continuously worked from 1989 to 8-5-97? Relying the document filed by the worker himself following figures are made out in respect of the worker of Vakeel Prasad as reflected on 4/4 to 4/6.

1989	—	160 days
1990	—	247 days
1991	—	226 (Worker was not engaged in August and October, 1991)
1992	—	234 (Worker was not engaged in February and September, 92)
1993	—	190 (not engaged in Nov. 90)

Summary of the above details are shows at the foot of the paper No. 4/6 which is totally false as it shows 256 days in 1989 as against 160 shown above.

This is also made clear by the documents of the opposite party i.e. paper C-23 that the worker was engaged from May 1996 to December, 1996 for 135 days and he was engaged from January, 97 to 6th May 1997 for 72 days. The worker has filed Paper No. 4/7 report purported to have been sent by the Sr. Manager UCO Bank on proforma showing of work as on 31-5-95 in respect of Vakeel Prasad showing 1153 days worker underneath the above working days date 10-10-94 is written meaning thereby worker appear to worked 96 extra then what is shows above.

The above figure shows that there is no continuity of work as alleged by the worker.

The worker by the cogent and reliable evidence have not been able to prove that he worked continuously from 26th January, 89 to 6-5-97 continuously. The burden was on the worker to prove the said fact.

Now the question is whether the action of the management to terminate the worker w.e.f. 8-5-97 is legal and justified? It is proved fact that the worker was not class IV employee of the bank instead he was a casual worker engaged on daily rate basis. It is also prove by the evidence that the worker was not paid on leave and holidays or for the period he was not engaged.

The definition of the continuous service is provided in Section 25 B of the I. D. Act is reproduced below :

25 B Definition of continuous service :— For the purposes of this chapter—

- (1) a workman shall be said to be in continuous service for period if he is, for that period, in interrupted service, including service which may be interrupted on account of sickness of authorised leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman ;

- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

- (a) for a period of one year, if the workman, during a period twelve calendar months preceding the date with reference to which calculation is to be made, has actual worked under the employer for not less than—

- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

- (ii) two hundred and forty days, in any other case,

- (b) for a period of six months, if the workman during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

- (i) ninety five days in case of workman employed below ground in a mine ; and

- (ii) one hundred and twenty days, any other case.

Explanation — For the purposes of clause (2) the number of days on which a workman has actually worked under an employer shall include the days on which—

- (i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) or under the Act or under any other law applicable to the industrial establishment.
- (ii) he has been on leave with full wages, earned in the previous years ;
- (iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment ; and
- (iv) in the case of a female, she has been on maternity leave, so, however, that the total period of such maternity leave does not exceed twelve weeks.

Section 25 F of the I. D. Act is laid down that no workman employed in any industry who has been continuous service not less than 1 year under a employer shall be retrenched by that employer until workman has been given notice in writing indicating the reasons for retrenchment and the notice of period has been expired or the workman has been paid in lieu of such notice, wages for the period of notice and compensation.

The worker has to prove that he has worked continuously for 240 days preceding his date of termination i. e. 8-5-97 and what is proved in this court that the worker has proved only 207 days and in such a case the termination can not be termed as retrenchment. Thus, the disengagement of the worker by the opposite party is not illegal or unjustified and worker is accordingly not entitled to any relief. Award passed accordingly.

Lucknow.

7-7-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 19 जुलाई, 2006

का.आ. 3221.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, कोल्हापुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/277/2002-आईआर (डीयू);
एल-40012/276/2002-आईआर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 19th July, 2006

S.O. 3221.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Kolhapur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Posts, Kolhapur and their workmen, which was received by the Central Government on 19-7-2006.

[Nos. L-40012/277/2002-IR(DU);
L-40012/276/2002-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI S.M. BHOSALE, PRESIDING
OFFICER, LABOUR COURT AT KOLHAPUR.

Reference (IDA) Nos. 18 & 19/2003

BETWEEN:

The Department of Posts,
Kolhapur Division,
Kolhapur (MS)

... First party.

And

1. Shri Hemant S. Sankpal, (18/03)

R/o. EG 52/49, Doulat Nagar,
Kolhapur,

2. Shri Ravindra S. Talekar, (19/03)

R/o. House No. 135, Kadamwadi,
Kolhapur,

... Second party.

CORAM : Shri S.M. Bhosale, Presiding Officer.

ADVOCATES : Shri A.M. Peerzade, Advocate for the First
party.

Shri D.S. Joshi and V.G. Sangoram,
Advocates, for the second party workmen.

PART-I AWARD

(Date: 1-7-2006)

These are references sent by the Ministry of Labour, Government of India, New Delhi for adjudication of industrial dispute between the first party employer and the second party workmen in terms whether the action of Department of Posts (MS) i.e. the first party in discontinuing/terminating services of the second party workmen w.e.f. 9-9-2001 is legal and justified.

2. After receipt of the reference notices were issued to both parties. The second party workmen filed their statement of claim in their respective case. Both second party workmen were in the employment as outsiders i.e. Delivery Postman since November-1994 till 9-9-2001 on daily wages. Suddenly on 9-9-2001 their services were orally terminated by not allowing to join the duty. It is further averred by them that no due procedure of law is followed and thus their termination is illegal. On these counts they prayed that the first party be ordered to reinstate them with continuity of service and full back wages.

3. The first party appeared and filed written statement in both matters and specifically denied all the contentions. It is specifically contended that the first party department is not industry as defined under Sec. 2 (j) of the Industrial Disputes Act, 1947 and, therefore, this Court has no jurisdiction. It is also averred that the reference are not maintainable. The first party also raised other contentions which is their material. However, ultimately it is prayed that the reference be dismissed with cost.

4. On the basis of pleadings I have framed issues in both the matters. However, at this stage the issues of maintainability of references and whether the first party department is an industry are treated as preliminary issues and hence, those issues are reproduced as under :—

1. Whether references are maintainable ?

2. Whether first party is an 'industry'?

5. My findings on aforesaid issues, followed by reasons thereof, are as under :—

1. Yes.

2. Yes.

REASONS

5A. Both parties have passed pursis that they do not intend to lead oral evidence on these issues.

Heard Learned Advocate Shri V.G. Sangoram appearing on behalf of the second party workmen and learned Advocate Shri A.M. Peerzade appearing on behalf of the first party.

6. Issue Nos. 1 and 2 :—Learned Advocate Shri Peerzade vehemently submitted that the first party

department not falls within the definition of 'industry' under Sec. 2 (j) of the Industrial Disputes Act, 1947. He also submitted that as there are specific rules governing service conditions in respect of second party workmen these references are not maintainable in this Court. In support of his argument he placed reliance in the case of *Sub-Divisional Inspector of Posts, Vaikam v/s Theyyam Joseph Reported in 1996 SOL case No. 023* wherein it is observed that :

"Industrial Disputes Act, Secs. 25-F and 2(s)—Workman-Extra Departmental Postal Agent (EDA) is not a workman-EDA is a civil servant-Not entitled to the benefits of the provisions of I.D. Act—They are governed by their Conduct Rules."

It is further observed that :

Industrial Disputes Act, Sec. 2(j)—'Industry'—Postal activities of the State are constitutional functions of the State under Part IV of the Constitution enjoined by Directive Principles of the State Policy-Postal department is not an 'Industry'.

He also placed reliance in the case of *Kendriya Vidyalaya Sangathan v/s Subhas Sharma & Dr. R.D. Vishwakarma Reported in (2002) 2 SCJ 359* wherein it is observed that :

"The Constitution Bench of this Court has clearly held that Tribunals set up under the Act shall continue to act as the only courts of first instance 'in respect of areas of law for which they have been constituted'. It was further held that it will not be open for litigants to directly approach the High Court even in cases where they question the vires of statutory legislation (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the concerned Tribunal."

7. On the other hand, learned Advocate Shri Sangoram vehemently submitted that the case of *Theyyam Joseph supra*, would not help to the first party and he submitted that considering the provisions of Sec. 2(n) of the I.D. Act which defines public utility services and which include Post & Telegraph Department and Sec. 22 of the I.D. Act which is in respect of strike will give clear indication that the provisions of the I.D. Act are applicable and Post & Telegraph Department is an industry. In support of his argument he placed reliance in the case of *General Manager, Telecom v/s S. Srinivasan Rao Reported in 1998 1 CLR 184* wherein the Apex Court consisting three Judges' Bench held that :

"Industrial Disputes Act, 1947-S. 2 (j) and S. 10-A-Government made reference under S. 10-A of the Act-Contention of the Appellant is that the Telecommunication Department of Government of India is not an 'industry' and the reference was not maintainable-Rejecting the contention, it is held that as per the test laid down in the case of *Bangalore Water Supply, the Telecommunication*

Department is an 'industry' as defined in S. 2 (j) of the Act, that it is not engaged in discharging any of the sovereign functions of the State and that the decisions in the cases of *Sub-Divisional Inspector of Post, Vaikam v. Theyyam Joseph 1996 II CLR 237* and *Bombay Telephone Canteen Employees Association v. Union of India 1997 II CLR 218* cannot be treated as laying down the correct law."

He further placed reliance in the case of *K.R.B. Kaimal v/s Director of Postal Services, Trivandrum reported in 1978 (37) FLR 379* wherein it is held that :

"A public utility service like the postal, telegraph of telephone etc. will come within the ambit of the word industry as defined in the Act. The Respondents are in error in considering that the rules framed under Articles 310 and 311 could be considered to be legislative provisions in the same field removing from the scope of the Act categories which otherwise may be covered thereby. Justice Chandrasekara Iyer of the Supreme Court had observed in the earlier case of *D.N. Banerji v. P.R. Mukherjee*, to which view Justice Krishna Iyer of the Supreme Court speaking for the majority in *Bangalore Water Supply and Sewerage Board v. A. Rajappa*, gives full support that a public utility service such as railways, telephones and the supply of lower, light or water to the public even if it is carried on by corporations would be an industry coming within the ambit of the Act. Such activities cannot be considered to be sovereign or legal functions and solely because rules are framed under Articles 309 and 310 of the Constitution governing such employees, they will not be taken out of the scope of the Act. This is clear from certain other provisions of the Act itself. Framing of rules by the Government for its servants functioning in a public utility service as post and telegraph, telephones or railways will not in any manner entrench on the fields occupied by the Industrial Disputes Act which is a special legislation dealing with settlement of industrial disputes. Writ petition allowed. The Supreme Court directed, the Central Government Labour Court, Quilon to take up the matter to file a fresh and dispose of the applications filed by the petitioners in accordance with law."

8. I have taken into consideration all the cases on which both parties placed reliance. In the case of *S. Srinivasan Rao supra* it is observed by Bench of three Judges that the decision in case of *Theyyam Joseph, supra*, cannot be treated as laying down the correct law and, therefore, I found substance in the argument of learned Advocate Shri Sangoram. Therefore, considering the provisions of the I.D. Act, in my humble opinion, Post & Telegraph Department is also an industry.

9. Learned Advocate Shri Peerzade vehemently submitted that as service rules and conditions of second party workmen specifically provide provisions of appeal to prescribed authority, period of limitation and hence, the present references are not maintainable. I would like to

state that in case of *Kendriya Vidyalaya Sanghatan supra* the point for consideration before the Apex Court was whether a writ petition can be filed directly. On the facts, in my humble opinion, the case of *Kendriya Vidyalaya Sanghatan* would not be applicable. Learned Advocate Shri Peerzade vehemently submitted that case of *K.R.B. Kaimal supra* on which second party workmen placed reliance is of the High Court of Kerala and, therefore, considering the ratio laid down in the case of *Kendriya Vidyalaya Sanghatan* would apply. I do not found substance in his argument. However, I would like to state that the case of *K.R.B. Kaimal supra* a reference is made to case of *Bangalore Water Supply and Sewerage Board v. A Rajappa* (1978 (36) FLR 266) and case of *D.N. Banerji v. P.R. Mukherjee* (AIR 1953 Supreme Court 38) and observed that activities cannot be considered to be sovereign or regal function and solely because rules are framed under Art. 309 and 310 of Constitution governing such employees they will not be taken out of the scope of the I.D. Act.

10. Considering submissions of both the parties, in my humble opinion, present references are maintainable. In the result, I answer issues No. 1 and 2 in the affirmative and proceed to pass following award :—

AWARD

1. The first party department is an 'industry' and present references are maintainable.

Kolhapur.

Date : 1-7-2006

S.M. BHOSALE, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3222.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 138/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2006 को प्राप्त हुआ था।

[सं. एल-42011/25/1997-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2006

S.O. 3222.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 138/1998) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 20-7-2006.

[No. L-42011/25/1997-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL-TRIBUNAL-CUM LABOUR COURT-II, NEW DELHI

Presiding Officer : R.N. RAI

I.D. No. 138/1998

In The Matter of :—

Shri Shiv Shankar Lal & Others,
S/o Shri Ganga Sewak,
R/o H. No. 9, Mandir Marg,
Delhi Cantt., Delhi-10

VERSUS

The Engineer-in-Chief, C.P.W.D.,
Nirman Bhawan,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42011/25/97-(IR)DU Central Government Dtd. 12-5-1998 has referred the following point for adjudication.

The point Truns as hereunder :—

"Whether the action of the management of the CPWD in regularizing the services of S/Sh. Shiv Shankar Lal, Om Narain, Kishan Lal and Banwari Lal from later dates instead of from the initial date of their joining into the employment is legal and justified and if not, to what relief are they entitled and what directions are necessary in this respect."

The workman applicant has filed claim statement in the claim statement it has been stated that the service particulars of the workman aforesaid are given below :—

Sl. No.	Name/ Father's Name	Date of Appointment	Date of Regularisation
1.	Sh. Shiv Shankar Lal S/o Sh. Gang a Sweak	03-12-83	10-02-93
2.	Sh. Om Narain S/o Sh. Genda Ram	30-11-83	10-02-93
3.	Sh. Kishan Lal S/o Sh. Chandgi Ram	30-11-83	22-02-93
4.	Sh. Banwari Lal S/o Sh. Bansil Lal	24-02-79	12-07-88

(All are posted at Parliament House, New Delhi)

That the workmen aforesaid were taken into the employment on the post of Farash carrying higher pay scale and allowance. They were treated as monthly paid/casual/muster roll workers during the period between the initial date of appointment and regularisation. They were being paid wages as fixed and revised from time to time under the Minimum Wages Act by the appropriate Government. While, their counter-parts doing the identical work and the work of the same value were being paid their

salaries in the pay scale of Rs. 210-290, revised to the pay scale of Rs. 800-1150 with usual allowance admissible under the rules. The said regular employees were also enjoying other benefits like E.L., C.L. Gazetted/Festival/Restricted Holidays and Medical Leave etc. which were completely denied to the workmen aforesaid during that period.

That the regularization of services of the workman aforesaid from later dates instead of from the initial date of their joining into the employment and regularization them on the post of Beldar instead of Farash is illegal, bad, unjust and malafide for the following amongst other reason.

That the workman aforesaid have always worked against permanent posts of Farash from the initial date of their joining into the employment and they are deemed to have been taken into the employment as permanent and regular employees of the C.P.W.D. on the post of Farash.

That the workman aforesaid are entitled to be regularized on the post of Farash from the initial date of their joining into the employment instead of their regularization on the post of Beldar as has been held by the Hon'ble High Court of Delhi in case of MCD Vs. Lalit Mohan.

That the action of the Management is violative of Articles 14, 16 and 39(d) of the Constitution of India.

That the Central Public Works Department has not any certified standing orders to govern the service conditions of the so-called Muster Roll workers and, therefore the Industrial Employment (Standing Orders) Act, 1946 and the Model Standing Orders framed thereunder are applicable to the CPWD according to which the workmen aforesaid had acquired the status of permanent employees from the initial date of their joining into the employment after completing 90 days probationary period and they should have been declared as such by the Management.

That the action of the Management amounts of unfair labour practice as provided in Section 2(ra) read with Item No. 10 of the Vth Schedule of the Industrial Disputes Act, 1947.

That While regularising the services of the workmen aforesaid with later dates; the earlier services rendered by the workmen aforesaid have been completely swallowed by the management of the CPWD and they have shown as fresh appointments from later dates without complying the mandatory provisions of Section 25F of the Industrial Disputes Act, 1947.

The Management has filed written statement in the written statement it has been stated that in reply to the para 1, it is submitted that the above workmen engaged as Beldars and were doing unskilled works in Parliament House

as per entry in Muster Roll as daily rated workers. And they were provided with all benefits of Muster Roll workers at that period. Subsequently, the above workmen were appointed on Regular basis as Beldars and the details are given below:

Sl. No.	Name/Father's name	Date of first entry on muster roll daily rated workers	Date of appointment
1.	S. Shiv Shankar Lal S/o Sh. Ganga Sewak	03-12-83	12-02-93 vide SE, Coord. (E)/E-5/19(6)/1238 dtd. 10-2-93.
2.	Sh. Om Narain S/o Sh. Genda Ram	30-11-83	24-2-93 Vide SE, Coord (E)/E-5/19(6)/1234 dtd. 10-2-93.
3.	Sh. Kishan Lal S/o Sh. Chandgi Ram	30-11-83	22-2-93 Vide SE, Coord (E)/E-5/19(6)/1645 dtd. -22-2-93.
4.	Sh. Banwari Lal S/o Sh. Bansi Lal	24-02-79	25-6-98 Vide SE, Coord (E)/E-5/D-106/1017 dtd. 14-6-1988.

The above workmen accepted the post of Beldars and they have given their acceptance to the post of Beldar without any protest and conditions. Even when the above workmen were Muster Roll workers (daily rated workers), they have accepted to work as Beldars on Muster Roll workers. And they never raised any objections to do the duties of Beldars. As per the rule, the Muster Roll/daily rated workers cannot get seniority, increment etc. Hence the above workers were given the benefits of regular employees after they were appointed to the post of Beldars. The service particulars given in the answering para about the date of appointment are wrong hence denied. The date of regularization shown is the actual date of appointment.

Contents of the para 2 are false hence denied. That the above workmen were taken into employment on Muster Roll, daily rated worker on purely temporary basis, and on Muster Roll, there is no category of Farash. That the Management till today no body has been appointed as Farash on daily rated worker/Muster Roll. The above workers were taken on Muster Roll daily rated workers as Beldars and they were also appointed for the post of Beldars. Hence it is specifically denied that the workmen aforesaid were taken into the employment on the post of Farash carrying higher pay scale and allowance. It is submitted that the above workmen are enjoying the benefits on EL, CL, Gazetted/Festival/Restricted Holidays and Medical Leave etc. after they were appointed for the post of Beldars.

Contents of para 3(1) are wrong and denied.

In reply to para 3(1), it is submitted that Farash is a regular classified post. Hence no body was taken as Farash on Muster Roll daily rated workers. Whereas the above

workers accepted in para 2 that they were only muster roll workers. Therefore, it is evident that the above workers were taken as muster roll only doing the duties of Beldars. It is submitted that all the muster roll workers were later appointed as work charged Beldars. In work Charge category, there is no post of Farash.

In reply to para 3(ii), it is submitted that the above workers were muster roll workers, therefore they can only be regularized in work charged category and not in classified post. Further the above workers were doing the work of Beldars even as daily rated workers.

Contents of the para 3(iii) are wrong and denied. It is submitted that the action of the management was as per rules and regulations of the Government.

Contents of the para (iv) are denied. The rules of management do not permit the management to treat the daily rated workers as permanent employees.

In view of the submissions made above, the answering para is denied.

Contents of the para (vi) are denied. The rules of Government do not permit the management to treat the muster roll employee period to be regular employment. Therefore their muster roll period was not taken for date of appointment and also since it is purely temporary in status. During that period their services could have been terminated by the Management as per rules.

In reply to para 4, it is submitted that no demand notice was served on the Management by the above workmen and no notice was received by the management ever. Hence there is no question of replying to the alleged notice arises. No presumption can be arrived unless there is a receipt of alleged notice to the management. It is submitted that there is no dispute between the Management and the above workman. Because all the above workmen were employed as Beldars and doing the job of Beldars ever since they are daily rated workers.

The workmen applicants have filed rejoinder. In their rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted that the workmen were engaged in the year 1983 and 1979 but they have not been regularised from the initial date of their joining into the employment of the management. They were treated as monthly paid/casual

on muster roll work during the period between the initial date of appointment and regularisation. They were paid minimum wages during this period whereas their counterparts discharging identical work and work of the same value were being paid their salary in the approved pay scale revised from time to time. Their services should have been regularised from the initial date of their engagement.

It was submitted from the side of the management that as and when posts were sanctioned these workmen have been regularised against the sanctioned posts. It is prerogative of the Government to sanction post. In case posts are not sanctioned there cannot be any regularisation as regularisation is always against existing posts.

It is settled law that regularisation cannot be claimed from the initial date of joining. As per CPWD Rules casual workers are to be paid minimum wages and thereafter they may be given temporary status and when posts are created they can be regularised.

It has been held in number of cases by the Hon'ble Apex Court that regularisation of services of muster rolls workers are to be done against available vacancies in the particular category. It is also subject to fulfillment of certain terms and conditions. The Hon'ble Apex Court in WP No. 59/60/1982 has held that workers should be regularised from the prospective dates only after the posts were created and not from the dates of their initial engagement.

It has been held in the case of State of Haryana versus Jaser Singh and Others-1996 (II) SC 77 that the daily wagers cannot be equated with regular workmen for the purposes of their wages. They cannot claim the minimum wages of the regular pay scale of regularly employed workmen. They are not entitled to get same salary and allowances. Minimum wages prescribed should be paid to these workers.

In view of this decision it becomes quite obvious that the workmen are not entitled to principal of equal pay for equal work or regularisation from back date.

It was also submitted from the side of the management that the workmen have been regularised on the posts of Beldar instead of Farash. They have always worked against permanent post of Farash from the initial date of their joining into the employment. They should be regularised on the post of Farash from the initial date of their joining into the employment instead of their regularisation on the post of Beldar.

The workmen have filed documents but in the documents only their duties have been mentioned. Sometimes they have been mentioned as Safai Karamchari and farash but the names are different. The post of Farash

may not be vacant since the management cannot be asked to regularise them on the post of Farash. They have been regularised against existing vacancies as and when they were available. They have not established that the post of Farash are vacant.

It was further submitted from the side of the management that all the workmen have accepted the post of Beldar and they have given their acceptance to the post of Beldar without any protest and condition. They have been given benefit of regular employees to the post of beldars.

It was further submitted by the management that the workmen have been taken purely on temporary basis on muster roll. None on daily rated list or muster roll has been appointed as a Farash. The workmen have not established that any daily rated or muster roll workers have been regularised against the post of Farash. The workmen have failed to establish their cases. The law cited by the workmen is not applicable in the facts and circumstances of the present case.

The reference is replied thus :

The action of the management of CPWD in regularising the services of S/Shri Shiv Shankar Lal, Om Narain, Kishan Lal and Shri Banwari Lal from later dates instead of from the initial date of their joining into the employment is legal and justified. The workmen applicants are not entitled to get any relief as prayed for.

Award is given accordingly.

Date : 19-7-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3223.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सफदरजंग अस्पताल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 31/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/142/1991-आईआर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 20th July, 2006

S.O. 3223.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/92)

of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Safdarjung Hospital and their workman, which was received by the Central Government on 20-7-2006.

[No. L-42012/142/1991-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I
NEW DELHI

I.D. No. 31/1992

In The Matter of dispute between :—

Shri Baljit Singh,

Security Guard/Watchmen,
S/o Shri Bhagwan Singh Namberdar,
P.O. Kanteli, Distt. Rohtak.

... Workman

Versus

The Medical Superintendent,
Safdarjung Hospital,
New Delhi.

APPEARANCES:

Shri Mohd. Farooq Advocate for the workman.

Shri U. K. Dass A/R for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/142/91/IR(D.U.) dated 24-3-92 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Safdarjung Hospital, New Delhi in terminating the services of Shri Baljit Singh, Security Guard/watchman w.e.f. 8-5-90 is justified? If not, what relief the workman concerned is entitled to?”

2. Brief facts of this case as called from record are that the workman claimant was in the employment of respondent Safdarjung Hospital New Delhi w.e.f. 9-9-85. His services were regularized in proper pay-scale and allowances w.e.f. 27th May, 1986 vide departmental order dated 17-6-86 and he was drawing salary in the pay scale of Rs. 750-940 with allowances admissible. He has unblemished and uninterrupted record of service. His services were terminated w.e.f. 8-5-90 vide order dated 30-4-90 issued by an officer subordinate to the appointing

authority in whose favour the powers of appointing and disciplinary authority were never delegated. The workman claims that the action of termination of service is wholly illegal, bad unjust and mala fide on as many as 15 grounds including that his termination under rule 5(1) of the CCS (TS) Rules, 1965 vide communication dated 9-4-90 by an officer subordinate to the appointing authority, that the notice of termination is not speaking order, that services have been terminated on the complaint of remaining absent from time to time by officer subordinate to appointing authority. Workman aforesaid was not served with any notice, memo charge sheet and no domestic enquiry was conducted against him. Management preferred to get rid of him terminated his services under Rule 5(1) of CCS (TS) Rules, 1965 without complying the provisions of Article 311 of the Constitution of India. He was not served with any notice or no notice pay nor any notice pay or compensation was given to him at the time of termination of services. This act of the management is violative of Section 25F, G and H of the ID Act read with Rules 76 and 77 of the Industrial Disputes (Central) Rules, 1957, that a stigma has been attached to the career of the workman aforesaid without affording any opportunity of being heard, that the absence from duty amounts to misconduct and the workman aforesaid has been dismissed from service on alleged misconduct of remaining absent from duty, that the action of the management is purely punitive in nature, that the action of the management is tainted with mala fide, that the job against which the workman was working is still available and continuing with the management and the same is of a regular nature, the notice and order of termination is worded in innocuous words and the termination is violative of the principles of natural justice and it is further averred that the workman is unemployed since the termination of his services and that he even was served demand notice upon the management which was not replied by the management and he ultimately raised a dispute which resulted in failure and culminated in the present reference. In view of the above averments workman claims reinstatement in service with full back wages holding his termination as illegal along with costs of the litigation.

3. The claim has been contested by the management by filing written statement raising preliminary objections that the industrial dispute is not maintainable and prima facie there is no case. The dispute has not been espoused by any union and that the workman has not completed 240 days in the preceding year and he has also concealed the facts that he was awarded rigorous imprisonment for 14 days in the army custody before joining the Safdarjung Hospital and he is in the habit of remaining absent without permission. It is further submitted that dispute has not been varily espoused by the Union and the dispute cannot be treated as raised under Section 2 A and not as an industrial dispute under Section 2(k). Workman was not represented by Delhi Labour Union, a so-called General Secretary of the so called hospital union which does not

have any locus standi to espouse industrial dispute under Section 36 of the ID Act as it is not operating/functioning in the Safdarjung Hospital, New Delhi. It is further proved from the Ministry of Labour order dated 24-3-92 Annexure II which has referred the industrial dispute for adjudication to the Hon'ble Tribunal, the memo of parties as per this order are 'Sh. Baljit Singh' and 'Safdarjung Hospital'. The name of the so-called paper union Hospital Employees' 'Union' does not figure any where. The dispute should, thus, be dismissed as it has been espoused by a union which was neither representing the workman at the time of reference of dispute nor can it claim a representative character in such a way that its sponsoring the cause of the workman would make it an industrial dispute. It is an established law that a union cannot jump and espouse the cause of workman if it was not a party/sponsoring the dispute at the time of reference of dispute by the Govt. for adjudication. Shri C. P. Aggarwal was incompetent to raise an industrial dispute as he was a legal practitioner to espouse the industrial dispute under Section 36 of the ID Act Shri C. P. Aggarwal was incompetent for to raise a dispute for number of reasons mentioned in the written statement. Preliminary objection was also raised that the industrial dispute has been raised whereas at the time which was a dispute under Section 2(a) and in that case industrial dispute was espoused by a union was membership was not confined to establishment only.

Management has failed to enclosed a copy of resolution passed by them of the AGS to espouse case of the workman. The various provisions of ID Act are not applicable in the case as the workman never worked for 240 days preceding his date of termination. It was not retrenchment under Rule 2R of the ID Act as it was not a retrenchment. It is not retrenchment under Section 2(f) of the ID Act. Provisions of Section 2F are not applicable in this case as it not a retrenchment. Hence termination does not amount to retrenchment. Services of workman are thus validly terminated under rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965. Had the workman worked for 240 days. Provisions of ID Act would have been followed/attracted. Averments that the workman was in the employment of the management and regularised w.e.f. 27-5-86 are not disputed and however, it appears to be disputed that the workman's record was unblemished. It is averred that the workman concealed of his undergoing 14 days RI in Military Custody in the attestation form filled by the said authorities. It is further averred that the workman was on duty at gate No. 4 from 7 AM to 7 PM. He left without permission and was issued memo vide letter dated 3-3-86. He was issued strict warning for remaining absent vide letter dated 31-3-87. He was issued memo for remaining absent unauthorisedly w.e.f. 5-1-88. Final written warning dated 18-3-88 for remaining unauthorisedly absent was already given and he was warned for remaining absent unauthorisedly vide memo dated 4-7-83 for giving explanation and unauthorisedly remaining absent w.e.f. 20-7-88. Photogram dated 27-7-89 for remaining

absent w.e.f. 13-7-89, asking the workman to report for duty immediate was given. He was again issued memo dated 29-8-89 for remaining absent w.e.f. 13-7-89, memo dated 29-8-89 for remaining absent w.e.f. 16-8-89, memorandum dated 6-3-90 for remaining absent w.e.f. 9-2-90 were issued. It is further stated that he availed earned leave or remained unauthorisedly absent on 41 occasions. The incidents of casual leave are not accounted for. The workman was never interested in the job who used to come to hospital only for enjoying is further proved from the fact that he was served with the termination notice of one month *vide* memo dated 9-4-90 and even after receipt of the same he was on earned leave/absent for 16 days on three occasions. It is further admitted that after regularization of his service from 27-5-86 to 8-5-90 he availed the following leave.

	Earned Leave	Commuted leave	HPL	EOL Without Pay	Total
27.5.86 to 31.12.86	17	-	9	17	43
1.1.87 to 31.12.87	29	9	2	55	95
1.1.88 to 31.12.88	20	10	-	91	121
1.1.89 to 31.12.89	24	10	-	117	151
1.1.90 to 8.5.90	1	5	-	75	81

It is further averred that preceding date of his termination workman availed of the following leave (9-5-89 to 8-5-90). Thus during the preceding 365 days, He was on without pay for 170 days, worked only for 195 days and the provisions of I.D. Act did not apply to him. He was supposed to work for 240 days in 365 days preceding the date of termination of his services. As I.D. Act did not apply to this particular workman, his services were rightly terminated *vide* termination notice annexure IV. He also did not join service even after receiving notice on 9-4-90 and not requested the authority to withdraw the notice. He never filed appeal against the notice and was again on leave for 16 days during the period of notice.

4. Written statement was followed by rejoinder wherein the facts mentioned in the claim statement were reiterated to be correct while controverted facts in the written statement were disputed.

5. After completion of the pleadings evidence was adduced by both the parties. Workman filed his affidavit in evidence and examined himself as WW 1 and closed his evidence while the management filed affidavit of Shri J. K. Malik, Deputy Director Administration and. examined himself as MW 1 in evidence of the management and he

was examined and cross examined as MW 1 and management evidence was closed.

6. After closure of evidence A/R for the workman Mohd. Farooq addressed arguments on behalf of the workman and Shri U. K. Dass addressed arguments on behalf of the management at length.

7. I have given my thoughtful consideration to the contentions raised on either side and perused the record meticulously.

8. The following question require determination in this case :

1. Whether the services of the workman Baljit Singh Chowkidar were terminated by the competent authority/officer i.e. appropriate authority/duly authorized person? If not its effect.

2. Whether the proper procedure for terminating the services of the workman was adopted

9. It is alleged that the workman very often remained on leave and was not keen to attend the duties regularly. It is also alleged that in a year he attended duties for 195 days and was on leave for 170 days out of 365 days in a year. He has been issued various memos copies of which are placed on record. He was issued memo dated 3-3-87 for remaining absent from duty on 18-2-87 and 19-2-87 without permission and asked to give explanation within 3 days, warning dated 31-3-87 was given to the workman stating that the explanation given by the workman was not satisfactory and warned to be not absent without permission otherwise administrative action would be taken, memo dated 12-2-88/19.2 was issued for remaining absent from 6-1-88 and he was asked to join duty within thirty days of the receipt of this memo, last warning dated 18-3-88 was given asking him to join duty otherwise he will be terminated from service, memo dated 4-7-88 was given to the workman that he remained absent without permission from 20-6-88 even after so many memos and warnings and he failed to give reasonable explanation & again he remained absent from duty without any intimation w.e.f. 13-7-87 and again did not furnish explanation despite memo dated 29-8-89 and 6-3-90 and failed to join duty. Thereafter it appears his services have been terminated *vide* order dated 9-4-90 issued by A.P. Bansal, the then Administrative Officer. The workman was employed as Chowkidar. His service was temporary and MW 1 Shri J. K. Malik in his cross-examination has stated that appointing and punishing authority of class IV employee of the management are Deputy Director and Medical Superintendent. Again said that the Deputy Superintendent is appointing authority of employees of Group and status of medical superintendent and Deputy Director is not equal. Medical Superintendent is higher than the status of Deputy Director Administration. Chief Administrative Officer is subordinate to Medical Superintendent. He has no knowledge to the effect that powers of appointing were

delegated to Chief Administrative Officer. The services of the workman has been terminated by Chief Administrative Officer. He has further stated it is true that absence from duty amounts to misconduct of employee and the services of workman has been terminated only on the ground of his absence from duty and that he has also admitted as correct that the workman used to submit medical certificate and his fitness certificates were from the private medical practitioner.

10. It would be pertinent to have a look on the testimony of Shri J. K. Malik MW-1 witness of the management. He in his cross-examination has deposed that appointing and disciplinary authority was Deputy Director Administration. From this testimony it is evidence that the workman was admittedly employed as chowkidar with the respondent management vide order dated 9-4-90 and from copy of order dated 9-4-90 and testimony of MWI it is evident that the services of the workman were terminated vide order dated 9-4-90 by Chief Administrative Officer. According to MWI in his cross examination the appointing authority of class IV employee is Deputy Director Administration but from order dated 9-4-90 the services of the workman has been terminated by the Chief Administrative Officer and not by Deputy Director. Thus according to the deposition of management witness the workman has not been dismissed by the appointing authority or by the competent authority. However, in this case the relevant rules applicable to service of workman have not been placed before me or shown to me by the management as to who and which is the competent officer to appoint and dismiss the workman. However, from the testimony of MWI it is evident that he has been appointed by Chief Administrative Officer but his appointing authority is Deputy Director Administration (and the status of Deputy Director, Administration) is not equivalent to Chief Administrative Officer, rather post of Deputy Director is superior to the post of Chief Administrative Officer. However, he (workman) was not dismissed by Deputy Director. It is settled law that appointing authority is the dismissing authority and the dismissing/appointing authority of the workman as per MW 1 is Deputy Director and his dismissing authority is also Deputy Director i.e. to say that he cannot be dismissed by any authority or any officer lower in rank than Deputy Director.

It has not been shown that the Chief Administrative Officer is equivalent to Deputy Director or the same as Deputy Director. From this I am of the opinion that as per the version of the management itself the dismissal order of workman which has been admittedly issued by Chief Administrative Officer and not by Deputy Director, Administration is illegal or suffers from any illegality and is liable to be set aside. It has also alleged in pleadings that the workman has remained absent from duty and he has enjoyed 170 days leave during the year out of 365 days in a year and he is not interested in work but though the

services of the workman has been dispensed with by an innocuous order without attaching any stigma on his career but taking into consideration the pleadings in the written statement that the workman has often remained absent on leave and absented himself from duty and did not attend the duties and remained on leave on 170 days in the entire year gives rise to the speculation that the department appears to have become prejudice and issued the order terminating his services on account of his remaining on leave and taking leave very often as mentioned above. The management in my opinion should have issued show cause notice and sought explanation from the workman for remaining on leave and remaining absent for so many days in a year before passing the impugned order. Thus the services of the workman were not terminated by competent officer by adopting proper procedure and termination of his services simpliciter by an innocuous order is improper and illegal.

11. The another question which arises for consideration is as to what amount by way of back-wages and for what period the workman is entitled and whether the workman is entitled to be reinstated in service with full back wages or for lesser wages: In this regard it is apparent that the workman remained on leave for 170 days. Out of the whole order it appears that he has not been keen or enthusiastic about work. He is not regular in work. He is taking and treating his duty very lightly. It would be not proper to grant him full back wages during the period of his absence and for period he remained out of job. It is pertinent to mention that there is no evidence on record that the workman was employed during the period he remained out of work. However, it has been alleged that he is owning some agricultural land or having income there from but this factor is not relevant in determining the question to what amount of wages or to what extent the workman is entitled to wages during the period he remained out of job. In my view it would serve the interest of justice if the workman is reinstated in job with 20% back wages.

12. In view of the above discussions I hold that the action of the management respondent in terminating the services of Baljit Singh Watchman w.e.f. 8-5-90 is not justified and he is entitled to be reinstated in the job with 20% of back wages during period he remained absent from duty and the period he remained out of job. Reference is answered accordingly. File be consigned to record room.

13. Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Govt. for necessary action at their end.

Dated: 18-7-2006.

S. S. BAL, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3224.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरीसन इंजीनियर, बीकानेर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बीकानेर के पंचाट (संदर्भ संख्या) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2006 को प्राप्त हुआ था।

[सं. एल-14011/8/97-आईआर (डीयू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th July, 2006

S.O. 3224.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bikaner as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Garrison Engineer, Bikaner and their workman, which was received by the Central Government on 20-7-2006.

[No. L-14011/8/97-IR(DU)]
SURENDRA SINGH, Desk Officer

अनुबन्ध

औद्योगिक विवाद अधिकरण, बीकानेर

पीठासीन अधिकारी : श्री के. एल. माथुर,
आर.एच.जे.एस.

नं.मु. केन्द्रीय औ.धो.वि.प्रसंग सं. 9 सन् 1998

मोहम्मद अली
मार्फत एम.ई.एस. एम्प.
यूनियन इंटक, बीकानेर

-प्रार्थी/श्रमिक-यूनियन

विरुद्ध

गैरीसन इंजीनियर एम.ई.एस.
बीकानेर

-अप्रार्थी/नियोजक

प्रसंग अन्तर्गत धारा 10 (1) (घ) औद्योगिक विवाद
अधिनियम, 1947

उपस्थिति:-

1. श्री हेम सिंह, यूनियन प्रतिनिधि,
प्रार्थी श्रमिक पक्ष के लिये
2. श्री नरेश श्रीमाली, अधिवक्ता,
अप्रार्थी नियोजक पक्ष के लिये

-अधिनिर्णय-

दिनांक 21 अप्रैल 2006

भारत सरकार के श्रम मंत्रालय ने औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे चलकर केवल अधिनियम कहा जायेगा) की धारा 10 की उपधारा (1) के खण्ड (घ) के अधीन जारी अधिसूचना क्रमांक एल-14011/8/97/आईआर (डीयू) दिनांक 11-6-98 के द्वारा प्रेषित इस प्रसंग के अन्तर्गत निम्न विवाद अधिनिर्णयार्थ इस अधिकरण में भेजा था।

'Whether the action of Garrison Engineer, Bikaner is justified in not paying night duty allowance to Shri Mohamad Ali, Mazdoor who is employed as Night Duty Chowkidar w.e.f. 1-11-91 to 30-10-92 at Building Store of MES, Bikaner? If not, to what relief the workman is entitled for?'

2. प्रसंग प्राप्त होने पर प्रकरण दर्ज रजिस्टर किया गया, दोनों पक्षकारों द्वारा अपने-अपने लिखित अभिकथन पेश किये गये हैं अर्थात् प्रार्थी श्रमिक मोहम्मद अली (जिसे आगे चलकर केवल प्रार्थी श्रमिक कहा गया है) की ओर से उसकी यूनियन द्वारा प्रस्तुत क्लेम विवरण का जबाब अप्रार्थी गैरीसन इंजीनियर, बीकानेर द्वारा दिया गया है।

3. संक्षेप में, प्रकरण के तथ्य इस प्रकार से बतलाये गये हैं कि प्रार्थी श्रमिक की ओर से उसकी यूनियन द्वारा इस आशय का क्लेम विवरण प्रस्तुत किया गया था कि अप्रार्थी विभाग एक औद्योगिक संस्थान है जिसमें कार्यरत मोहम्मद अली मजदूर प्रार्थी यूनियन का सदस्य है जिससे अप्रार्थी ने चौकीदारों की कर्मों के कारण रात्रि में चौकीदार की सेवायें कराई, रात्रि के 10 बजे से सुबह 6 बजे के बीच की अवधि में कार्य करने वाले कर्मचारों को भारत सरकार ने रात्रि सेवा भत्ता दिये जाने का आदेश दे रखा है जैसाकि रक्षा मंत्रालय के पत्रांक एफ.एफ.6/85/डी/(सिव)। दिनांक 19-12-92 में प्रावधान है, इस सम्बन्ध में यूनियन के स्तर पर उच्च प्रशासन को अवगत कराने पर भारत सरकार ने स्वीकृति प्रदान करदी जिसकी सूचना थल सेना मुख्यालय ने अप्रार्थी को उनके पत्रांक 90270/27/एस सी/ई-1 (3) दिनांक 01 दिसंबर 1997 को दी थी किन्तु अप्रार्थी ने उपयुक्त पालना नहीं की, यूनियन के पत्रांक 16/171/98 दिनांक 8 जुलाई 1998 से भी निवेदन किया किन्तु कोई कार्यवाही नहीं की गयी और भुगतान नहीं हो पाया है तथा समझौता वार्ता में भी अप्रार्थी अथवा उनके प्रतिनिधि ने उपस्थिति नहीं दी अतः प्रार्थी संध के सदस्य को रात्रि सेवा भत्ता की राशि मय ब्याज 18 प्रतिशत दर से 1-11-91 से 30-10-92 तक भुगतान कराने के आदेश जारी करने की प्रार्थना की गयी है।

4. अप्रार्थी द्वारा प्रस्तुत जबाब दावे में प्रकरण का प्रतिवाद करते हुए यह अंकित किया गया है कि औद्योगिक विवाद अधिनियम अप्रार्थी संस्थान पर लागू नहीं होता है, आगे चौकीदारों की कर्मों के कारण मोहम्मद अली मजदूर की सेवायें चौकीदार के रूप में लेने के तथ्य को अस्वीकार होना बताते हुए यह भी अंकित किया गया है कि स्वयं मोहम्मद अली की प्रार्थना पर कुछ काल अवधि में उसे हल्का काम देने के उद्देश्य से रात्रि में चौकीदारी का काम सौंपा जाना बताया है, अप्रार्थी का यह भी जबाब है कि भारत सरकार ने रात्रि कालीन ड्युटी देने पर जो भत्ता स्वीकार करने के आदेश जारी किये थे जो आदेश मजदूर वर्ग पर लागू नहीं होता है केवल कार्यशील चौकीदार को ही देय है, फिर भी इस प्रकरण में मोहम्मदी को 230-06 रुपये मात्र का रात्रिकालीन भत्ता स्वीकार किया जाकर उसे यह राशि ऑफर की गयी थी जो लेने से इन्कार करने पर इस राशि को अनपेक्ष मानते हुए डिपोजिट करदी गयी है। प्रार्थी रात्रि कालीन भत्ता प्राप्त करने का अधिकार नहीं है। अतिरिक्त कथनों में यह भी अंकित किया गया है कि श्रम आयुक्त भारत सरकार द्वारा न्यायालय को रैफरेन्स करना भी विधि से पोषित नहीं है और यह मुकदमा खारिज किये जाने योग्य है, अप्रार्थी ज्युरिस्टिक परसन नहीं है, प्रार्थी ने यह स्पष्ट भी नहीं किया है कि किस अधिकारी के आदेश से उसने कौन से दिन ड्युटी दी इस

कारण भी प्लीडिंग के अभाव में यह मुकदमा प्रथमदृष्टया खारिज करने योग्य है।

5. साक्ष्य के दौरान प्रार्थी पक्ष की ओर से स्वयं प्रार्थी श्रमिक मोहम्मद अली का शपथपत्र पेश हुआ है जिसके विपरीत अप्रार्थी नियोजक पक्ष की ओर से गवाह संतराम गैरीसन इंजीनियर का शपथपत्र पेश किया गया है। प्रत्येक पक्ष द्वारा एक-दूसरे पक्ष के साक्षी से जिरह की गयी है और प्रलेखीय साक्ष्य भी पेश की गयी है।

6. पत्रावली का अवलोकन किया गया, आज जब यह प्रकरण हमारे समक्ष विचारार्थ बहस हेतु प्रस्तुत हुआ तो कार्यवाही के दौरान, नियोजक पक्ष ने एक प्रार्थनापत्र प्रस्तुत कर निवेदन किया कि प्रार्थी को भुगतान कर दिया गया है जिसे यूनियन प्रतिनिधि ने भी स्वीकार किया है। अतः अब इस प्रकरण में कोई कार्यवाही शेष नहीं रहती है, प्रसंग अनुसार श्रमिक को नाईट ड्यूटी अलाउन्स का भुगतान कर दिया गया है, जिसके बावत यूनियन की ओर से भी प्रार्थनापत्र दिया गया है। अतः प्रकरण में यूनियन की प्रार्थना पर 'कोई विवाद नहीं' का पंचाट पारित किया जाता है जो प्रकाशनार्थ केन्द्रीय सरकार को भेजा जावे।

के. एल. माधुर, न्यायाधीश

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3225.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरीसन इंजीनियर, बीकानेर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, बीकानेर के पंचाट (संदर्भ संख्या) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-2006 को प्राप्त हुआ था।

[सं. एल-13011/3/1997-आईआर (डीयू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 20th July, 2006

S.O. 3225.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bikaner as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Garrison Engineer, Bikaner and their workman, which was received by the Central Government on 20-7-2006.

[No. L-13011/3/1997-IR(DU)]

SURENDRA SINGH, Desk Officer

अनुबन्ध

औद्योगिक विवाद अधिकरण, बीकानेर

पीठासीन अधिकारी : श्री के. एल. माधुर,
आर.एच.जे.एस.

न.मु. औ.द्यो.वि.प्रसंग सं. 7 सन् 1998

1. सोहन सिंह

2. हेमसिंह

द्वारा एम.ई.एस. एम्प्लॉईज
यूनियन (इंटक), बीकानेर

—प्रार्थी/श्रमिक-यूनियन

विरुद्ध

गैरीसन इंजीनियर एम.ई.एस.

बीकानेर

—अप्रार्थी/नियोजक

प्रसंग अन्तर्गत धारा 10 (1) (ब) औद्योगिक विवाद
अधिनियम, 1947.

उपस्थिति:-

1. श्री हेम सिंह, स्वयं श्रमिक एवं, सचिव प्रार्थी यूनियन के लिये
2. श्री राजेश श्रीवास्तव, प्रार्थी श्रमिक सोहन सिंह के लिये
3. श्री मदनलाल श्रीमाली, अधिवक्तागण, अप्रार्थी नियोजक पक्ष के लिये
4. श्री नरेश श्रीमाली, अधिवक्तागण, अप्रार्थी नियोजक पक्ष के लिये

—अधिनिर्णय—

दिनांक 24 मार्च, 2006

भारत सरकार के श्रम मंत्रालय, नई दिल्ली ने 'औद्योगिक विवाद अधिनियम, 1947' (जिसे आगे चलकर केवल अधिनियम कहा जावेगा) की धारा 10 की उप-धारा (1) के खण्ड (घ) के अधीन जारी आदेश क्रमांक एल-13011/3/97/आईआर (डीयू) दिनांक 28-5-97 द्वारा प्रेषित इस प्रसंग के अन्तर्गत निम्न विवाद अधि निर्णयार्थ इस अधिकरण में भेजा था।

"Whether the action of Garrison Engineer, Bikaner Cantt., Bikaner is justified in not fixing the wages of S/Shri Sohan Singh and Hem Singh, Mazdoor whose basic pay were Rs. 1011/- & 997/- having 24 years and 23 years respectively when the basic pay of Jr. workman Sh. Taja Ram, Mazdoor having only 13 years of service, was fixed to Rs. 1025/- from Rs. 965/- by giving 4 increments? If not, to what relief to the workman are entitled to?"

2. प्रसंग प्राप्त होने पर प्रकरण दर्ज रजिस्टर किया गया और पक्षकारों द्वारा अपने-अपने लिखित अभिवचन पेश किये गये हैं अर्थात् प्रार्थी यूनियन द्वारा श्रमिकगण सोहनसिंह एवम् हेमसिंह से सन्दर्भ में प्रस्तुत क्लेम विवरण का जबाब अप्रार्थी नियोजक पक्ष द्वारा दिया गया है।

3. संक्षेप में, प्रकरण के तथ्य इस प्रकार से बतलाये गये हैं कि प्रार्थी यूनियन-एम.ई.एस. एम्प्लॉईज यूनियन (इंटक) बीकानेर द्वारा इस आशय का क्लेम विवरण प्रस्तुत किया गया कि श्रमिकगण सोहनसिंह व हेमसिंह इस यूनियन के सदस्य हैं तथा क्लेम विवरण की चरण सं. 2 ता. 11 में श्रमिक सोहनसिंह मजदूर को थल सेना मुख्यालय, नई दिल्ली के पत्र दिनांक 5-8-93 के क्रम सं. 21 के अनुसार वेतन मान 750-940 में समायोजित किया जाना एवम् इसी पत्र के क्रम सं. 18 के अनुसार ताजाराम मजदूर को भी 750-940 के वेतनमान में समायोजित किया जाना बतलाते हुए आगे यह भी अंकित किया है कि उक्त सोहनसिंह ने उक्त ताजाराम से 15 दिन पहले ही दुर्ग अभियन्ता बीकानेर में सेवा जोड़ने की थी और 23 वर्ष की सेवा कर चुका था जबकि ताजाराम की कुल सेवा 13 वर्ष की ही थी, उस समय सोहनसिंह का मूल वेतन 1010/- रु. एवम् ताजाराम मजदूर का

मूल वेतन 965/-रु. था, सेवा अभिलेख के आधार पर दोनों कर्मचारों की वेतन शृंखला 800-1150 थी। उक्त ताजाराम के पद को अप्राथी ने मेट में संशोधित करवा लिया जबकि उसने आवेदन ही नहीं किया और इस प्रकार उसका मूल वेतन 965/-रु. से बढ़ाकर 995/-रु. हो गया एवम् नियमित वेतनवृद्धियाँ भी दी जा रही हैं जबकि सोहनसिंह को पिछले 5 दिनों से कोई वेतनवृद्धि प्रदान नहीं की है, प्राथी पक्ष के अनुसार दोनों कर्मकार एक ही विभाग से स्थानान्तरित होकर आये थे फिर भी सोहनसिंह को क्यों टाला गया ? सोहनसिंह ने स्वयं को 3150/-रु. और ताजाराम को 3300/-रु. मूल वेतन दिया जाना बतलाते हुए यह कथन किया गया है कि सोहन सिंह को वेतनवृद्धियाँ नहीं दिया जाना एक प्रकार के दंड की श्रेणी में आता है अतः प्राथी सोहनसिंह को हुई वेदना के लिए मुआवजा के रूप में 3000/-रु. एवम् बकाया वेतन एवम् नये वेतन आयोग के तहत देय राशि पर 18 प्रतिशत वार्षिक की दर से ब्याज दिलवाये जाने की प्रार्थना की है।

आगे, क्लेम की चरण सं. 12 ता. 18 में हेमसिंह से सम्बन्धित तथ्य उल्लेखित करते हुए यह बताया गया है कि भारत सरकार द्वारा सैन्य फार्म की 23 शाखाओं को बन्द करने के कारण हेमसिंह अधिशेष घोषित हुआ और पद बदलकर थल सेना मुख्यालय नई दिल्ली के पत्र दिनांक 8-2-94 के तहत दुर्ग अभियन्ता बीकानेर में समायोजित किया गया जिसका वेतनमान 775-1025 रु. था, इस श्रमिक ने भी स्वयं की तुलना अपने से कनिष्ठ कर्मचारी गणपतराय व ताजाराम से करते हुए स्वयं का वेतन निर्धारण 940/-रु. पर कराया जाने से उत्पन्न असमानता का उल्लेख किया है और हेमसिंह की सेवा 20 वर्ष की होना अंकित करते हुए वरिष्ठता के आधार पर वेतन निर्धारण में हुई असमानता से विवाद उत्पन्न होना और समझौता वार्ता में अप्राथी के उपस्थित नहीं होने पर प्रेषित असफल वार्ता रिपोर्ट पर यह मामला इस अधिकरण में अधिनिर्णयार्थ प्राप्त होना कहते हुए बकाया वेतन वृद्धियों को नियमन करने एवम् बकाया वेतन पर 18 प्रतिशत वार्षिक दर से ब्याज भी दिलाये जाने की प्रार्थना की है।

4. अप्राथी-नियोजक-गैरिसन इंजीनियर, एम.ई.एस. बीकानेर द्वारा प्रस्तुत अपने जबाब दावे में श्रमिकगण सोहनसिंह व हेमसिंह को समायोजित करना स्वीकार करते हुए जबाब दिया है कि सक्षम अधिकारी ने एक आदेश जारी कर ताजाराम को मजदूर के स्थान पर उसे मेट होना संशोधित किया है, सोहनसिंह मजदूर है तथा ताजाराम मेट है, दोनों का पद व ग्रेड पृथक है इस कारण दोनों की वरिष्ठता की तुलना की जाना सुसंगत नहीं है तथा सोहनसिंह ने मजदूर के पद पर सेवा की है जबकि ताजाराम मेट के पद पर सेवायें दे रहा है, सोहनसिंह का मूल वेतन 1010/- रु. व ताजाराम का मूल वेतन 965/- रु. ~~सीडी~~ ~~सीडी~~ स्वीकार करते हुए अन्य सभी तथ्यों को अस्वीकार करते हुए यह ~~जबाब~~ दिया है कि अप्राथी ने अपनी ओर से कोई ~~कार्यवाही~~ नहीं की थी ~~चूंकि~~ ताजाराम को मुख्यालय के आदेश दिनांक 5-8-1993 में संशोधन किया जाकर मेट के पद पर दर्शाया गया था, इस कारण उसके वेतन का निर्धारण भी उसी अनुरूप किया गया था, ~~चूंकि~~ सोहनसिंह मजदूर है जबकि ताजाराम मेट है अतः उनकी एक ~~समान~~ वरिष्ठता तय किया जाना संभव नहीं है और न ही उन्हें एक ~~समान~~ वेतन दिया जाना संभव है और यदि वेतन शृंखला का अधिकतम वेतन लिया जाता है तो अधिकतम वेतन के आगे पे स्केल न होने पर वेतन वृद्धि की जानी कानूनी रूप से संभव नहीं होती है और उसे ~~दंड~~ की सजा देना न्यायोचित नहीं है।

इसी प्रकार अप्राथी नियोजक ने अपने जबाब दावे में श्रमिक हेमसिंह को अधिशेष होना और समायोजित किया जाना स्वीकार करते हुए यह बताया है कि श्रमिक हेमसिंह जो पूर्व में सैन्य फार्म में चपरासी के पद पर था और स्वयं की इच्छा पर उसके द्वारा लिखित में आवेदन करने पर उसे चपरासी से निम्न पद मजदूर पर पदस्थापित करके अप्राथी ने अपने यहाँ भेजना बताते हुए यह जबाब दिया है कि वह वन टाईप प्रमोशन नियमों के अधीन प्राप्त करने का अधिकारी नहीं है, अप्राथी का जबाब है कि समायोजन होने पर श्रमिक को प्राप्त वेतन 997/- रु. को प्रोटेक्ट करते हुए उसका वेतन निर्धारण 940/- रु. पर स्थिर किया जाकर 57/- रु. परसनल पे के रूप में स्वीकार किया गया था क्योंकि मजदूर के वेतनमान में 940/- रु. ही अधिकतम वेतन था। सैन्य चिकित्सालय एक पृथक यूनिट है उसका अप्राथी से किसी तरह का सम्बन्ध नहीं है गणपतराम मजदूर को वेतन वृद्धियों की सुविधा दी जा रही है या नहीं अप्राथी को जानकारी में नहीं है लेकिन जिस वेतनमान में हेमसिंह को मजदूर का वेतन दिया जा रहा है वह उसका अधिकतम वेतन प्राप्त कर रहा है तब उसे वेतनवृद्धि कैसे दी जा सकती है और इस सम्बन्ध में नियमों में प्रावधान भी नहीं है। हेमसिंह की 20 वर्ष की सेवा को माना गया है लेकिन उसे वरिष्ठता उसी दिन से प्राप्त होगी जबसे उसने अप्राथी के नियोजन में कार्य करना प्रारंभ किया था। कोई भी श्रमिक कोई अनुतोष पाने का अधिकारी नहीं है अतः क्लेम खारिज करने की प्रार्थना की गयी है।

5. पक्षकारों द्वारा अपने-अपने पक्ष समर्थन में प्रस्तुत साक्ष्य के दौरान सर्वश्री हेमसिंह व सोहनसिंह ने अपने-अपने शपथपत्र पेश किये हैं जिसके विपरीत अप्राथी पक्ष की ओर से श्री संतराम अधिशाषी अभियन्ता का शपथपत्र पेश हुआ है, प्रत्येक पक्ष ने एक-दूसरे पक्ष के साक्षी से जिरह की है और प्रलेखीय साक्ष्य भी पेश की है।

6. विद्वान पक्षकारों की बहस सुनी गयी एवम् पत्रावली का अवलोकन किया गया, हमारे समक्ष लंबित इस प्रसंग के निस्तारण के लिए प्रमुख रूप से विचारणीय प्रश्न यही है कि क्या श्रमिकगण सोहनसिंह व हेमसिंह मजदूर का वेतन निर्धारण 1011/- व 997/- पर करना और उनसे कनिष्ठ कर्मकार ताजाराम का 965/-रु. से चार वेतनवृद्धियाँ देकर 1025/- रु. पर वेतन निर्धारण करना उचित है यदि नहीं तो श्रमिकगण क्या राहत प्राप्त करने के अधिकारी हैं?

इस बिन्दु को सिद्ध करने का भार स्वयं प्राथी पक्ष पर था इस सम्बन्ध में हम देखते हैं कि पक्षकारों की साक्ष्य के दौरान यूनियन द्वारा प्रस्तुत अपने-अपने क्लेम के तथ्यों की पुनरावर्ती करते हुए शपथपत्र प्रस्तुत किये हैं, हम यह भी देखते हैं कि प्राथी यूनियन द्वारा अपनी साक्ष्य समाप्त करने तथा अप्राथी पक्ष द्वारा भी अपनी साक्ष्य समाप्त कर देने के पश्चात् जब यह प्रकरण अंतिम बहस की प्रक्रम पर था तब प्राथी श्रमिक सोहनसिंह की ओर से उसके अधिवक्ता द्वारा पेरवी करने हेतु वकालतनामा पेश किया गया था जैसाकि दिनांक 14-10-03 से स्पष्ट होता है और इसी को आधार बनाते हुए अब प्राथी यूनियन के प्रतिनिधि स्वयं श्रमिक हेमसिंह एवम् अप्राथी नियोजक के विद्वान अधिवक्तागण द्वारा यह तर्क दिया जाना उचित एवम् न्यायासंगत प्रतीत नहीं होता है कि प्राथी श्रमिक सोहनसिंह से यूनियन का कोई सम्बन्ध नहीं रहा है क्योंकि विवाद के विचारण के दौरान भी सोहनसिंह की यूनियन की सदस्यता से पृथक हो जाने का कोई भी प्रमाण पत्रावली

पर नहीं लाया गया है, इन हालात में न्यायाधिकरण को दोनों कर्मचारों के क्लेम के सम्बन्ध में समुचित विचार करना न्यायसंगत है और हम इस सम्बन्ध में श्रमिक सोहनसिंह के विद्वान अभिभाषक द्वारा किये गये तर्कों से पूर्णतया सहमत हैं।

7. विद्वान पक्षकारों की बहस एवम् साक्षीगण के बयानों के अवलोकन से हम देखते हैं कि श्रमिक सोहनसिंह ने प्रदर्श डब्ल्यू-1 तथा 18 तक के दस्तावेज प्रस्तुत करते हुए स्वयं द्वारा अप्रार्थी कार्यालय में दिनांक 1-10-93 को ज्वाइन करना एवम् ताजाराम द्वारा 16-10-93 को ज्वाइन करना एवम् स्वयं को ताजाराम से वरिष्ठ अर्थात् स्टेशन सीनियर होना बताते हुए पक्षपात करते हुए बिना आवेदन किये एवम् ताजाराम एवम् वर्तमान अधिक एक ही जाति के होने के कारण ताजाराम को पदोन्नति दे दी जबकि उससे पहले प्रार्थी ने अपना अधिकार जताया है और ताजाराम की तरह ही वह भी वेतनवृद्धियों व पदोन्नति लेने का अधिकार रखता है तथा समानता के अधिकार के आधार पर भी 5वें वेतन आयोग में वेतन निर्धारण कराने एवम् बकाया समस्त वेतनवृद्धियों व मेट की पदोन्नति एवम् बकाया राशि पर ब्याज दिलाये जाने की प्रार्थना की है। इस गवाह प्रार्थी सोहनसिंह ने जिरह के दौरान स्वीकार किया है कि मैं शुरु से आज तक 30 साल से मजदूर के पद पर ही कार्यरत हूँ और मेरा मूल वेतन 1010 रु. था जो इस विभाग में मेरे समायोजन के समय था, ताजाराम को विभाग ने एक संशोधित आदेश द्वारा मजदूर से मेट के पद पर दर्शाया है और उसके वेतन निर्धारण इसी आधार पर किया गया है, उक्त संशोधन के बाद ताजाराम और मेरे दोनों का पद पृथक-पृथक हो गया है अर्थात् ताजाराम मेट व मैं मजदूर की रहा और इसी आधार पर दोनों की वरिष्ठता अलग-अलग निर्धारित की जाती है।

इसी सम्बन्ध में प्रार्थी पक्ष के एक अन्य साक्षी हेमसिंह ने साक्ष्य के दौरान क्लेम के तथ्यों की पुनरावृत्ति करते हुए तथा श्रमिक सोहन सिंह द्वारा प्रस्तुत शपथपत्र में वर्णित तथ्यों की पुनरावृत्ति करते हुए बताया है कि मैंने मेरे मूल वेतन को कम लेने हेतु कभी भी लिखित में आवेदन नहीं किया, विलिंग में मैंने मेट, मजदूर बागवान आदि का निवेदन किया है और वेतनमानों के तहत ताजाराम की तरह कार्यवाही की जानी थी जो नहीं की, आगे 57 रु. पर्सनल पे देना गलत बताते हुए यह भी कथन किया है कि अप्रार्थी ने जबाब दावा बिना अभिलेख/प्रमाण के प्रस्तुत किया है और उसकी एल.पी.सी./सेवा पुस्तिका उपलब्ध होने के बावजूद भी न्यायालय में पेश नहीं की है तथा भारतवर्ष में हजारों की मात्रा में कर्मचारी अधिशेष हुए थे उनमें प्रार्थी यूनियन के सदस्य को छोड़कर किसी के वेतनमान को कम नहीं किया है, प्रार्थी हेमसिंह का पूर्व विभाग में फार्म हैण्ड पद पर नियुक्त होना बताते हुए प्रदर्श डब्ल्यू 15 पेश किया है और कहा है कि परिशिष्ट डब्ल्यू 8 के तहत नियमानुसार वरिष्ठता नहीं दी है अतः वह पूर्व में हुए ट्रेड टेस्टों से वंचित रहा है और समानता के आधार पर प्रदर्श डब्ल्यू 11-12-13 की पालना कराते हुए स्वयं का वेतन 997 रु. पर निर्धारण करके वेतनवृद्धियाँ दिलाई जाने की प्रार्थना की है। जिरह में इस गवाह ने बताया है कि वह कहना गलत है कि सोहनसिंह को बतौर मेट के यहाँ पर समायोजित किया गया हो बल्कि स्थानान्तरण के समय मजदूर था और ताजाराम भी मजदूर था, मेट

नहीं था, मैं सैन्य फार्म अम्बाला नियुक्ति पत्र के आधार पर चपरासी/फार्म हैण्ड के पद पर लगा हुआ था, प्रदर्श एम-1 विलिंगनेस सर्टिफिकेट मैंने ही दिया था जिस पर ए से बी मेरे हस्ताक्षर हैं, यह सही है कि मैं जब एम.ई.एस. में समायोजित किया गया तब मुझे मजदूर के पद पर लगाया था यह सही है कि मजदूर का अधिकतम वेतन 940 रु. था।

इसी सम्बन्ध में अप्रार्थी पक्ष के साक्षी संतराम अधिशाषी अभियन्ता ने अपने शपथपत्र में बतलाया है कि सोहनसिंह और ताजाराम के पद अलग-अलग हैं, सोहनसिंह व हेमसिंह मजदूर हैं जबकि श्री ताजाराम मेट (एस.एस.) है उनकी एक समान वरिष्ठता तय किया जाना संभव नहीं है और न ही उन्हें एक समान वेतन दिया जाना संभव है, इस साक्षी के अनुसार जब ताजाराम को अप्रार्थी विभाग में समायोजन किया गया था उस समय वह 800-1150 रु. का वेतनमान के अन्तर्गत वहाँ पर कार्यरत था और इसी वेतनमान के अन्तर्गत इस कार्यालय में पदस्थापित किया था और उस समय मेट (एस.एस.) का वेतनमान 800-1150 रु. का था जो बाद में सक्षम अधिकारी द्वारा जारी आदेश दिनांक 14-3-1995 के प्रदर्श एम-2 की पलना में संशोधन किया गया है तथा प्रार्थी हेमसिंह जो पूर्व में सैन्य फार्म अम्बाला में चपरासी के पद पर स्थापित था जो वहाँ 775-1025 रु. के वेतनमान पर कार्यरत था और स्वयं की इच्छा उसके द्वारा आवेदन किये जाने पर मजदूर के पद के वेतनमान 750-940 रु. में पदस्थापित किया गया है, हेमसिंह को वनटायम प्रमोशन 1-6-91 को जब वह सैन्य फार्म अम्बाला में कार्यरत था, स्वीकृत किया था और वह 997 रु. मूल वेतन चपरासी (ओटीपी) के पद का ले रहा था और अब प्रार्थी को मजदूर के पद पर वन टाईम प्रमोशन प्रदर्श एम-3 के अनुसार स्वीकार्य नहीं है, उसका वेतन निधि रिण प्रदर्श एम-4 के अनुसार 940 रु. सही किया गया है। नियोजक के इस साक्षी ने जिरह में बताया है कि उसे इस बात की जानकारी नहीं है कि मिलट्री फार्म की 23 शाखायें भारत सरकार ने बन्द कर दी हो। ताजाराम मेट के पद पर है और हेमसिंह व सोहनसिंह मजदूर है इस प्रकार ताजाराम श्रमिकों से वरिष्ठ है। 1983 की नियुक्ति नीति में कोई बदलाव किया गया हो तो मुझे इसकी जानकारी नहीं है, ताजाराम और सोहनसिंह को 1991 में एक बारीय पदोन्नति दी गयी या नहीं यह पता नहीं है।

8. विद्वान पक्षकारों की बहस एवम् पत्रावली के अवलोकन से हम देखते हैं कि श्रमिकगण हेमसिंह व सोहनसिंह का पद मजदूर का है जबकि श्री ताजाराम मेट (एस.एस.) है, ताजाराम को मेट के पद पर लिये जाने बाबत संशोधन आदेश दिनांक 13-3-95 पत्रावली पर उपलब्ध है जो अप्रार्थी की साक्ष्य के दौरान प्रदर्श एम-2 बताया गया है जिसके द्वारा ताजाराम के पद को संशोधित कर मेट दर्शाया गया है और इसी कारण उसके वेतन का विषय भी उसी के अनुरूप किया गया है और हेमसिंह जो कि पूर्व में सैन्य फार्म अम्बाला में चपरासी के पद पर पदस्थापित था और वहाँ 775-1025 रु. के वेतनमान में कार्यरत था और उसकी स्वयं की इच्छा पर आवेदन किये जाने पर कि "मैं चपरासी से निम्न पद मजदूर पर बीकानेर जाने को तैयार हूँ", अप्रार्थी विभाग में मजदूर के पद पर भेजा गया जहाँ मजदूर का वेतनमान 750-940 का होने के कारण प्रदर्श एम-1 विलिंगनेस

सर्टिफिकेट के अनुसार इस वेतनमान के अधिकतम 940 रु. पर वेतन निर्धारण करते हुए 57 रु. सही प्रकार से वैयक्तिक वेतन रखते हुए किया गया है। हमारे समक्ष केन्द्रीय सरकार द्वारा प्रेषित प्रसंग के अन्तर्गत ताजाराम की मेट के पद पर किये गये समायोजन की औचित्यता एवम् वैधता को जांचने सम्बन्धित कोई विवाद रैफर नहीं किया गया है और न ही प्रार्थी यूनियन अथवा किसी श्रमिक द्वारा कोई चुनौती दी गयी है इन हालात में कोई भी श्रमिक ताजाराम के समान वेतनमान व वेतन वृद्धियां प्राप्त करने का अधिकारी नहीं है क्योंकि ताजाराम का पद मेट है और यह प्रार्थी श्रमिकगण मजदूर ही है जिनका संवर्ग व वरिष्ठता अलग-अलग है अतः इनकी तुलना ताजाराम से नहीं की जा सकती है। प्रार्थीगण कोई राहत व राशि प्राप्त करने के अधिकारी नहीं है।

9. अतः, केन्द्रीय सरकार द्वारा प्रेषित इस प्रसंग को उत्तरित करते हुए यह पंचाट इस प्रकार से पारित किया जाता है कि अप्रार्थी द्वारा श्रमिकगण सोहनसिंह व हेमसिंह का वेतन ताजाराम के समान 1025 रु. पर वेतन निर्धारण नहीं करना उचित एवम् वैध है। श्रमिकगण कोई राहत व राशि प्राप्त करने के अधिकारी नहीं है।

उक्त अधिनिर्णय अधिनियम की धारा 17(1) के अन्तर्गत केन्द्रीय सरकार को प्रकाशनार्थ भेजा जावे।

के. एल. माथुर, न्यायाधीश

नई दिल्ली, 27 जुलाई, 2006

का.आ. 3226—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि भारतीय रिजर्व बैंक नोट लिमिटेड, मैसूर (कर्नाटक) एवं सालबोनी (पश्चिम बंगाल) में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 25 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/2/96-आई आर (पी.एल.)

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 27th July, 2006

S.O. 3226.—Whereas the Central Government is satisfied that the public interest requires that the services in the Bhartiya Reserve Bank Note Mudran Limited, Mysore (Karnataka) and Salboni (West Bengal) which is covered by item 25 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/2/96-IR(PL)]

GURJOT KAUR, Jt. Secy.

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3227.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 सितम्बर, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबन्ध कर्नाटक के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :-

"जिला बेंगलूर के तालुक बेंगलूर दक्षिण में होबली उत्तराहल्ली एवं बेगुर के राजस्व ग्राम हुलिमावु, आलहल्ली, कॉलेन अग्रहारा गोडिटगोरे तथा कोतनूर/कोतनूरदिने के अधीन आने वाले क्षेत्र।"

[सं. एस-38013/51/2006-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 2nd August, 2006

S.O. 3227.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2006 as the date on which the provisions of Chapter-IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the UT of Karnataka namely:—

Sl. No.	Name of the Revenue Village or Municipal Limits	Hobli	Taluk	District
1.	Hulimavu	Uttarahalli	Bangalore South	Bangalore
2.	Alahalli	Uttarahalli	Bangalore South	Bangalore
3.	Kalena Agrahara	Bagure	Bangalore South	Bangalore
4.	Gottigere	Uttarahalli	Bangalore South	Bangalore
5.	Kothanur/ Kothanur Dinne	Uttarahalli	Bangalore South	Bangalore

[No. S-38013/51/2006-S.S.-I]

K. C. JAIN, Director

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3228.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 सितम्बर, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“आन्ध्र प्रदेश राज्य के रंगारेड्डी जिले के राजेन्द्रनगर मण्डल में स्थित पीरम्चेरुवु, बैरागीगुडा, गंधगुडा, नेकनामपूर, पोप्पलगुडा, अलिजापूर, पन्जाषाबौला, पोक्कलवाडा, जनिबेगुन, मणिकोण्डा जागीर तथा मणिकोण्डा खालसा के सीमा के अंतर्गत आने वाले क्षेत्र।”

[सं. एस-38013/50/2006-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 2nd August, 2006

S.O. 3228.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely:—

“All the areas falling within the limits of revenue villages of Peeramcheruvu, Bairagiguda, Gandhamguda, Neknampur, Poppalguda, Alijapur, Panjashaboula, Pokalwada, Jani Begun, Mani Konda Jagir and Mani Konda Khalsa in Rajendra Nagar Mandal of Ranga Reddy District in Andhra Pradesh.”

[No. S-38013/50/2006-S.S.-I]

K. C. JAIN, Director

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3229.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 सितम्बर, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा 77, 78, 79 और 81

के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध असम राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

डुमडुमा क्षेत्र के डुमडुमा नगर राजस्व ग्राम के अन्तर्गत डुमडुमा पाथारगांव, हॉहचरा टी. ई. 20/156 औ. आर. एस. हॉहचरा टी. ई. 15/12/सं. एन. एल. आर. हॉहचरा टी. ई. और सं. एल. सी. बरहापजान गांव, मुलान पथार, केहानगुरी, सुकानगुरी। 109/111 सं. ग्रान्त 2 सं. चोटाहापजान, चोकुरिटिंग, बदलाभेता, मानुहखोवा, एठेंगीया, गोइपानी, नगाव, सं. 1, रोगाजान, फोटिकजान, बिसाकोपी 73 एफ. एस. बिसाकोपी 8 सं. एल. सी., औगुरी, बिसाकोपी, टीपक, 101, सं. एफ. एस. असमीया, बालिजान, बोइमुखिया गांव, बिसाकोपी 72 एफ. एस.

मौजा के अधीन—टिराई, डुमडुमा, हापजान।

[सं. एस-38013/49/2006-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 2nd August, 2006

S.O. 3229.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Assam namely:—

Areas under Doomdooma falls within Doomdooma town including Revenue Villages :—

Doomdooma Pathergaon, Hansora T.E. 20/156 O.R.S., Hansora T.E. 15/12/No., N.L.R., Hansora T.E. & No. L.C., Borhapjan Village, Mulan Pathar, Kehanguri. Sukanguri, 109/111 No. Grant. 2 No. Chotahapjan, Chokuriting, Badlabheta, Manuhkhowa, Athengia, Goipani, Nagaon, No.-1, Rongajan, Photikjan, Beeshkopie 73 F. S., Beesakopie 8 No. L.C., Ouguri, Beesakopie, Tipuk, 101, No. F.S., Assomia, Balijan, Boimukhia Gaon, Beesakopie 72 F.S. in the Doomdooma area.

Under Mouza—Tigrai, Doomdooma, Hapjan.

[No. S-38013/49/2006-S.S.-I]

K. C. JAIN, Director

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3230.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 सितम्बर, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4

(44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध उत्तर प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

राजस्व ग्राम	राजस्व परगना	राजस्व तहसील	जिला
चकधूरपुर, सड़वाखुर्द, इरादतगंज, गौहानी	अरैल	बारा	इलाहाबाद
दादूपुर, बादलगंज, संगरपुर, धनुहा, चकगरीबदास, भद्राउमरगंज, डाड़ी	अरैल	करछना	इलाहाबाद

[सं. एस-38013/48/2006-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 2nd August, 2006

S.O. 3230.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Uttar Pradesh namely:—

Revenue Village	Revenue Pargana	Tehsil	District
Chakghurpur, Sadawakhurd, Iradatganj, Gauhani	Arrail	Bara	Allahabad
Dadupur, Badalaganj, Sanragapur, Dhanuha, Chakgaribdas, Bhadraumarganj, Dadi	Arrail	Karchana	Allahabad

[No. S-38013/48/2006-S.S.-I.]

K. C. JAIN, Director

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3231.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के

उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 623 दिनांक 30-1-2006 द्वारा ताम्बा खनन उद्योग जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 13 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 5-2-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 5-8-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/11/97-आई. आर. (पी. एल.)]

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 3rd August, 2006

S.O. 3231.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour No. S.O. 623 dated 30-1-2006 the service in the Copper Mining Industry which is covered by item 13 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 5th February, 2006.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 5th August, 2006.

[F. No. S-11017/11/97-IR (P.L.)]

GURJOT KAUR, Jt. Secy.